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COMMISSION ON HUMAN RIGHTS

REPORT ON THE FORTY-NINTH SESSION

(1 February-12 March 1993)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 1993

SUPPLEMENT No. 3

UNITED NATIONS

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

An asterisk after the name of a State indicates a State not member of the Commission, which may submit proposals in accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Annexes I to IV to the present report have been issued separately as *Official Records of the Economic and Social Council, 1993, Supplement No. 3A* (E/1993/23/Add.1-E/CN.4/1993/122/Add.1).

E/1993/23
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I. DRAFT RESOLUTIONS AND DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

A. Draft resolutions

I. Human rights and extreme poverty

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1993/13 of 26 February 1993 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/27 of 27 August 1992,

1. Approves the appointment of Mr. Leandro Despouy as Special Rapporteur on the question of human rights and extreme poverty with responsibility for preparing a study on this subject on the basis of the aspects set out by the Commission on Human Rights in its resolutions 1989/10 of 2 March 1989, 1990/15 of 23 February 1990 and 1991/14 of 22 February 1991, bearing particularly in mind the approach defined in Commission resolution 1992/11 of 21 February 1992;

2. Requests the Secretary-General to continue his consultations on the topic of human rights and extreme poverty with governments, specialized agencies and intergovernmental and non-governmental organizations and to inform the Special Rapporteur of the conclusions of those consultations;

3. Also requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the fulfilment of his mandate, including, as appropriate, assistance from consultants with specialized knowledge of the subject.

[See chap. II, sect. A, resolution 1993/13, and chap. VII.]

II. Monitoring the transition to democracy in South Africa

The Economic and Social Council,

Recalling its resolution 1992/3 of 20 July 1992,

Noting the statement of the Special Rapporteur, Mr. Ahmed Khalifa, in presenting his last report (E/CN.4/Sub.2/1992/12 and Add.1), that in the light of recent events the list of institutions giving support to the South African regime should be discontinued,

Noting also that it is of paramount importance to monitor the process towards democracy and social justice in South Africa,

1. Expresses its appreciation to the Special Rapporteur, Mr. Ahmed Khalifa, for his considerable contribution to the cause of eliminating the policy of apartheid;

2. Expresses its thanks to all Governments and organizations that supplied the Special Rapporteur with information;

3. Authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust Ms. Judith Sefi Attah with the task of presenting annually a report on the transition to democracy in South Africa, including:

(a) Steps taken in accordance with international human rights instruments to prevent violence between different groups in South Africa;

(b) Steps taken to investigate the alleged involvement of the South African security forces in fomenting violence and how this problem is being addressed;

(c) Steps taken to ensure equal political participation for all South Africans, including those removed under the apartheid system to the so-called homelands;

(d) Steps taken to ensure the enjoyment by all South Africans, without discrimination, of economic and social rights;

(e) An analysis of the obstacles preventing the democratization of South Africa and ways and means of eliminating them;

4. Requests the Secretary-General to extend to the Special Rapporteur all the assistance that she may require in the exercise of her mandate.

[See chap. II, sect. A, resolution 1993/19, and chap. VI.]

III. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1993/34 of 5 March 1993,

1. Authorizes the meeting of an open-ended working group of the Commission on Human Rights with a view to continuing the elaboration of the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to be held between sessions for a period of two weeks prior to the fiftieth session of the Commission on Human Rights;

2. Requests the Secretary-General to extend to the working group all necessary facilities for its meetings and to transmit the report of the working group (E/CN.4/1993/28) to Governments, the specialized agencies, the chairmen of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned.

[See chap. II, sect. A, resolution 1993/34, and chap. X.]

IV. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1993/92 of 10 March 1993,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fiftieth session of the Commission in order to continue its work on the elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

2. Requests the Secretary-General to extend all necessary facilities to the working group for its meetings;

3. Also requests the Secretary-General to circulate the report, including the text adopted on first reading, to the Governments of all States Members of the United Nations and members of competent specialized agencies and to interested intergovernmental and non-governmental organizations, with an invitation to submit written comments on the first reading text (E/CN.4/1993/64, annex I) for consideration by the working group at its next session.

[See chap. II, sect. A, resolution 1993/92, and chap. XXIII.]

B. Draft decisions

1. Question of the violation of human rights in the occupied Arab territories, including Palestine

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/2 A of 15 February 1993, approves the Commission's decision to appoint a special rapporteur with the following mandate:

(a) To investigate Israel's violations of the principles and bases of international law, international humanitarian law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian territories occupied by Israel since 1967;

(b) To receive communications, to hear witnesses, and to use such modalities of procedure as he may deem necessary for his mandate;

(c) To report, with his conclusions and recommendations, to the Commission on Human Rights at its future sessions, until the end of the Israeli occupation of those territories.

[See chap. II, sect. A, resolution 1993/2 A, and chap. IV.]

2. Situation of human rights in Cambodia

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/6 of 19 February 1993, approves the Commission's requests to the Secretary-General:

(a) To ensure a continued United Nations human rights presence in Cambodia after the expiry of the mandate of the United Nations Transitional Authority in Cambodia;

(b) To provide appropriate additional resources, within existing overall United Nations resources, to fund the operational presence of the Centre for Human Rights within the framework of other United Nations activities in Cambodia after the expiry of the mandate of the United Nations Transitional Authority in Cambodia;

(c) To appoint a special representative:

(i) To maintain contact with the Government and people of Cambodia;

(ii) To guide and coordinate the United Nations human rights presence in Cambodia;

(iii) To assist the Government in the promotion and protection of human rights;

(iv) To report to the General Assembly at its forty-eighth session and the Commission on Human Rights at its fiftieth session.

[See chap. II, sect. A, resolution 1993/6, and chap. IX.]

3. Situation of human rights in the territory of the former Yugoslavia

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/7 of 23 February 1993, approves:

(a) The Commission's request to the Secretary-General immediately to provide additional resources and personnel to the Commission of Experts sufficient to enable it to fulfil its mandate effectively;

(b) The Commission's decision to extend the mandate of the Special Rapporteur for one year;

(c) The Commission's request to the Secretary-General to take steps to ensure the full and effective cooperation of all United Nations bodies to implement Commission resolution 1993/7 and, pursuant to paragraph 21 of General Assembly resolution 47/147 of 18 December 1992, to provide the Special Rapporteur, within the overall budgetary framework of the United Nations, with additional resources and all other necessary assistance to enable him to fulfil his mandate and, in particular, to provide for the appointment of field staff in the territory of the former Yugoslavia to provide first-hand, timely reports on observance or violations of human rights in their area of assignment.

[See chap. II, sect. A, resolution 1993/7, and chap. XXVII.]

4. Rape and abuse of women in the territory of the former Yugoslavia

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/8 of 23 February 1993, approves the Commission's requests:

(a) To the Special Rapporteur on the situation of human rights in the former Yugoslavia to pursue a specific investigation into the rape and abuse of women and children in the former Yugoslavia, including the dispatch of a qualified team of experts, to coordinate with the relevant thematic special rapporteurs of the Commission, with the mission dispatched by the European Council and with any other missions and to present a further report to the Commission;

(b) To the Secretary-General to provide such necessary means as are available to him in the area to enable any future missions to have free and secure access to places of detention.

[See chap. II, sect. A, resolution 1993/8, and chap. XXVII.]

5. Situation of human rights in South Africa

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/9 of 26 February 1993, approves the Commission's decision to renew for a further period of two years the mandate of the Ad Hoc Working Group of Experts on southern Africa.

[See chap. II, sect. A, resolution 1993/9, and chap. V.]

6. Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/20 of 2 March 1993, approves the Commission's decision to appoint, for a three-year period, a special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, also approves the Commission's request to the Secretary-General to provide the special rapporteur with all necessary assistance, in particular the staff and resources required to perform his or her functions, especially in carrying out missions and following them up, and further approves the Commission's request to the special rapporteur to report to the Commission on an annual basis, beginning at its fiftieth session.

[See chap. II, sect. A, resolution 1993/20, and chap. XVI.]

7. Respect for the right of everyone to own property alone as well as in association with others

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/21 of 4 March 1993, approves the Commission's decision to renew for one year the mandate of the independent expert on the right to own property alone as well as in association with others, and also approves the Commission's request to the Secretary-General to provide assistance to the independent expert.

[See chap. II, sect. A, resolution 1993/21, and chap. VII.]

8. The right to development

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/22 of 4 March 1993, approves:

(a) The Commission's decision to establish, initially for a three-year period, a working group on the right to development, to identify obstacles to the implementation and realization of the Declaration on the Right to Development and to recommend ways and means towards the realization of the right to development by all States;

(b) The Commission's request to the working group to submit to the Commission at its fiftieth session an initial, comprehensive report and to continue reporting to the Commission, on a yearly basis, on its work;

(c) The Commission's requests to the Secretary-General to ensure that the working group receives all necessary assistance, in particular the staff and resources required to fulfil its mandate, and to invite Governments and intergovernmental organizations to communicate to the Advisory Services, Technical Assistance and Information Branch sample projects on the effective implementation of the Declaration on the Right to Development.

[See chap. II, sect. A, resolution 1993/22, and chap. VIII.]

9. Report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/27 of 5 March 1993, approves the Commission's endorsement of the recommendation by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1992/2 of 14 August 1992 that arrangements regarding the organization of the sessions of the Working Group on Contemporary Forms of Slavery, as contained in Commission decision 1992/115 of 3 March 1992, be repeated in subsequent years.

[See chap. II, sect. A, resolution 1993/27, and chap. XIX.]

10. Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/28 of 5 March 1993, approves the Commission's decision to invite the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session to come for consultations with the members of the Bureau of the Commission at the conclusion of its forty-ninth session and the Chairman of the Sub-Commission at its forty-fifth session to report to the Commission at its fiftieth session

on the progress made concerning the issues referred to in Commission resolution 1993/28 and on significant aspects of the work of the Sub-Commission.

[See chap. II, sect. A, resolution 1993/28, and chap. XIX.]

11. Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/31 of 5 March 1993, authorizes the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to meet for 10 working days prior to the forty-fifth session of the Sub-Commission, and approves the Commission's requests to the Secretary-General:

(a) To give all the necessary assistance to the Working Group in discharging its task, including adequate dissemination of information about the activities of the Working Group, to Governments, specialized agencies and non-governmental and indigenous peoples' organizations, in order to encourage the widest possible participation in its work;

(b) To ensure that all meetings of the Working Group at its eleventh and future sessions are provided with interpretation and documentation in both English and Spanish.

[See chap. II, sect. A, resolution 1993/31, and chap. XIX.]

12. Human rights and forensic science

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/33 of 5 March 1993, approves the Commission's requests to the Secretary-General:

(a) To establish a list of forensic experts and experts in related fields who could be requested to help international mechanisms in the field of human rights, Governments and the Centre for Human Rights in providing technical and advisory services, advice in regard to the monitoring of human rights violations and training of local teams and/or assistance in the reunification of families of the disappeared;

(b) To provide appropriate resources, within existing overall United Nations resources, to fund the activities of the Centre for Human Rights in implementing Commission resolution 1993/33.

[See chap. II, sect. A, resolution 1993/33, and chap. X.]

13. Question of arbitrary detention

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/36 of 5 March 1993, approves the Commission's request to the Secretary-General to ensure that the Working Group on Arbitrary Detention receives all the necessary assistance, particularly in regard to staffing and appropriate resources to discharge its mandate, including the organization, carrying out and follow-up of missions in countries wishing to invite the Working Group.

[See chap. II, sect. A, resolution 1993/36, and chap. X.]

14. Torture and other cruel, inhuman or degrading treatment or punishment

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/40 of 5 March 1993, approves the Commission's decision to appoint an individual of recognized international standing as a special rapporteur to examine questions relevant to torture, and also approves the Commission's request to the Secretary-General to provide all necessary assistance to the Special Rapporteur to cover all of his activities in order to enable him to submit his report to the Commission at its fiftieth session.

[See chap. II, sect. A, resolution 1993/40, and chap. X.]

15. Question of human rights and states of emergency

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/42 of 5 March 1993 and of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/22 of 27 August 1992, endorses the requests by the Sub-Commission:

(a) To Mr. Leandro Despouy, Special Rapporteur on human rights and states of emergency, to continue to update the list of states of emergency and to include in his annual report to the Sub-Commission and the Commission recommendations on inalienable or non-derogable rights;

(b) To the Secretary-General to provide the Special Rapporteur with all the assistance he may require to carry out his work, to maintain cooperation with the different sources of information and databases, and to process the information submitted to him in an effective way.

[See chap. II, sect. A, resolution 1993/42, and chap. X.]

16. Question of the impunity of perpetrators of violations of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/43 of 5 March 1993, approves the Commission's endorsement of the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1992/23 of 27 August 1992, to request Mr. El Hadji Guissé and Mr. Louis Joinet to draft a study on the impunity of perpetrators of violations of human rights, and also approves the Commission's request to the Secretary-General to provide the Special Rapporteurs with any assistance they require in order to discharge their tasks.

[See chap. II, sect. A, resolution 1993/43, and chap. X.]

17. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/44 of 5 March 1993, approves the Commission's endorsement of the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1992/38 of 28 August 1992, to entrust Mr. Louis Joinet with the preparation of a report on strengthening the independence of the judiciary and the protection of practising lawyers, as described in Commission resolution 1993/44, and approves the request of the Commission to the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the completion of his task.

[See chap. II, sect. A, resolution 1993/44, and chap. X.]

18. Right to freedom of opinion and expression

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/45 of 5 March 1993, approves the Commission's decision to appoint, for a period of three years, a special rapporteur on the promotion and protection of the right to freedom of opinion and expression, also approves the Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources deemed necessary, within existing overall United Nations resources, to fulfil his or her mandate, and further approves the Commission's request to the Special Rapporteur to submit a report to the Commission on an annual basis, beginning at its fiftieth session.

[See chap. II, sect. A, resolution 1993/45, and chap. X.]

19. Protection of human rights in the context of human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS)

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/53 of 9 March 1993, approves the Commission's endorsement of the requests by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its decision 1992/108 of 27 August 1992, to its Special Rapporteur on discrimination against people infected with the human immunodeficiency virus (HIV) or people with acquired immunodeficiency syndrome (AIDS), Mr. Luis Varela Quirós, to submit his final report to the Sub-Commission at its forty-fifth session, and to the Secretary-General to give the Special Rapporteur such assistance as he may require to accomplish his work.

[See chap. II, sect. A, resolution 1993/53, and chap. XI.]

20. National institutions for the promotion and protection of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/55 of 9 March 1993, approves the Commission's requests to the Secretary-General:

(a) To finance attendance by representatives of national institutions from developing countries at the World Conference on Human Rights from the voluntary fund for the World Conference;

(b) To continue organizing the international workshop in 1993, following the World Conference, to include in the agenda of the workshop the issues of promoting the establishment of national institutions and strengthening existing national institutions through international cooperation, and to take into account the results of the meeting of representatives of national institutions within the framework of the World Conference.

[See chap. II, sect. A, resolution 1993/55, and chap. XI.]

21. Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/57 of 9 March 1993, in which the Commission welcomed the interest of some Governments in the region in hosting an Asian-Pacific regional meeting in 1993/1994 to follow up the discussion on the region's

consultative mechanism, approves the Commission's request to the Secretary-General to facilitate the realization of that activity under the regular budget for advisory services and technical assistance.

[See chap. II, sect. A, resolution 1993/57, and chap. XI.]

22. Situation of human rights in the Sudan

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/60 of 10 March 1993, approves the Commission's decision to appoint an individual of recognized international standing and expertise in human rights as special rapporteur on the situation of human rights in the Sudan, also approves the Commission's request to the Special Rapporteur to establish direct contact with the Government and with the people of the Sudan and to investigate and report on the situation to the Commission at its fiftieth session, and further approves the Commission's request to the Secretary-General to give the Special Rapporteur all necessary assistance in the discharge of his mandate.

[See chap. II, sect. A, resolution 1993/60, and chap. XII.]

23. Situation of human rights in the Islamic Republic of Iran

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/62 of 10 March 1993, approves the Commission's decision to extend the mandate of the Special Representative for a further year, also approves the Commission's request to the Special Representative to submit an interim report to the General Assembly at its forty-eighth session on the situation of human rights in the Islamic Republic of Iran and to report to the Commission at its fiftieth session, and further approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Representative.

[See chap. II, sect. A, resolution 1993/62, and chap. XII.]

24. Situation of human rights in Cuba

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/63 of 10 March 1993, approves the Commission's decision to extend the mandate of the Special Rapporteur for one year, also approves the Commission's requests to the Special Rapporteur to maintain direct contact with the Government and citizens of Cuba, to submit an interim report to the

General Assembly at its forty-eighth session and to report to the Commission at its fiftieth session, and further approves the Commission's request to the Secretary-General to provide all necessary assistance to the Special Rapporteur.

[See chap. II, sect. A, resolution 1993/63, and chap. XII.]

25. Situation of human rights in Afghanistan

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/66 of 10 March 1993, approves the Commission's decision to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Afghanistan, also approves the Commission's request to the Special Rapporteur to report to the General Assembly at its forty-eighth session and to the Commission at its fiftieth session, and further approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Rapporteur.

[See chap. II, sect. A, resolution 1993/66, and chap. XII.]

26. Situation of human rights in Haiti

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/68 of 10 March 1993, approves the Commission's decision to extend for a further year the mandate of the Special Rapporteur, also approves the Commission's request to the Special Rapporteur to submit a provisional report on the situation of human rights in Haiti to the General Assembly at its forty-eighth session and a final report to the Commission at its fiftieth session, and further approves the Commission's request to the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the performance of his mandate.

[See chap. II, sect. A, resolution 1993/68, and chap. XII.]

27. Situation in Equatorial Guinea

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/69 of 10 March 1993, approves the Commission's decision to appoint an individual of recognized international standing in the field of human rights as special rapporteur on the situation of human rights in Equatorial Guinea, and also approves the Commission's request to the Secretary-General to provide all necessary assistance to the Special Rapporteur.

[See chap. II, sect. A, resolution 1993/69, and chap. XII.]

28. Situation of human rights in Myanmar

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/73 of 10 March 1993, approves the Commission's decision to extend for one year the mandate of the Special Rapporteur to establish or continue direct contacts with the Government and the people of Myanmar, and also approves the Commission's request to the Special Rapporteur to report to the General Assembly at its forty-eighth session and to the Commission at its fiftieth session.

[See chap. II, sect. A, resolution 1993/73, and chap. XII.]

29. Situation of human rights in Iraq

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/74 of 10 March 1993, approves the Commission's decision to extend the mandate of the Special Rapporteur for a further year, also approves the Commission's request to the Special Rapporteur to submit an interim report on the situation of human rights in Iraq to the General Assembly at its forty-eighth session and a report to the Commission at its fiftieth session, and further approves the Commission's requests to the Secretary-General to provide appropriate additional resources, within existing overall United Nations resources, to fund the sending of human rights monitors and to provide the Special Rapporteur with all the necessary assistance in performing his task.

[See chap. II, sect. A, resolution 1993/74, and chap. XII.]

30. Application of international standards concerning the human rights of detained juveniles

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/80 of 10 March 1993, approves the proposal by the Secretary-General to organize, within the framework of the programme of human rights activities for 1994, a meeting of experts on the application of international standards concerning the human rights of detained juveniles, also approves representation of the Committee on the Rights of the Child, the Working Group on Contemporary Forms of Slavery and the Working Group on Detention of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at the meeting, and further approves the endorsement by the Commission of the Sub-Commission's request to the Secretary-General to provide all necessary assistance for the organization and success of the meeting of experts.

[See chap. II, sect. A, resolution 1993/80, and chap. XXIV.]

31. Assistance to Georgia in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/85 of 10 March 1993, approves the Commission's request to the Secretary-General to evaluate the needs for support and technical assistance to the Government of Georgia through the provision of advisory services aimed at furthering legislation in constitutional and institutional matters and at providing national and local institutions with the necessary expertise to implement the international standards in the field of human rights.

[See chap. II, sect. A, resolution 1993/85, and chap. XXI.]

32. Assistance to Somalia in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/86 of 10 March 1993, approves the Commission's requests to the Secretary-General:

(a) To appoint for a period of one year a person having wide experience in the field of human rights as an independent expert, in his or her individual capacity, to assist the Special Representative for Somalia;

(b) To give priority to implementing the programme recommended by the independent expert;

(c) To provide appropriate additional resources, within existing overall United Nations resources, to fund the activities of the independent expert and the Centre for Human Rights in implementing Commission resolution 1993/86.

[See chap. II, sect. A, resolution 1993/86, and chap. XXI.]

33. Advisory services and the Voluntary Fund for Technical Cooperation in the Field of Human Rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/87 of 10 March 1993, approves the Commission's requests to the Secretary-General:

(a) To provide as a matter of urgency more human and financial resources for the enlargement of advisory services, within existing overall United Nations resources and particularly from section 07 of the regular budget concerning technical cooperation;

(b) To appoint a board of trustees for the Voluntary Fund for Technical Cooperation, composed of five persons with wide experience in the field of human rights and in technical cooperation to advise the Secretary-General on the administration and operation of the Voluntary Fund.

[See chap. II, sect. A, resolution 1993/87, and chap. XXI.]

34. Assistance to Guatemala in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/88 of 10 March 1993, approves the Commission's request to the Secretary-General to extend the mandate of the independent expert so that he may continue to examine the situation of human rights in Guatemala and provide assistance to the Government in the field of human rights and submit to the Commission at its fiftieth session a report assessing the measures taken by the Government in accordance with the recommendations made to it.

[See chap. II, sect. A, resolution 1993/88, and chap. XXI.]

35. Human rights in El Salvador

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/93 of 10 March 1993, approves the Commission's request to the Secretary-General to extend the mandate of the independent expert for one year, and also approves the Commission's request to the independent expert to report to the Commission at its fiftieth session on the action taken to give effect to Commission resolution 1993/93.

[See chap. II, sect. A, resolution 1993/93, and chap. III.]

36. Internally displaced persons

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/95 of 11 March 1993, approves the Commission's request to the Secretary-General to mandate his representative for a period of two years to continue his work, with a view to identifying, where required, ways and means of improving protection for and assistance to internally displaced persons, and also approves the Commission's request to the representative of the Secretary-General to submit annual reports on his activities to the Commission and to the General Assembly and to make any suggestions and recommendations enabling him to better carry out his tasks and activities.

[See chap. II, sect. A, resolution 1993/95, and chap. XI.]

37. Procedure for special sessions of the Commission on Human Rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/96 of 11 March 1993, recalling its own resolution 1990/48 of 25 May 1990, in which it authorized the Commission on Human Rights to meet exceptionally between its regular sessions, provided that a majority of States members of the Commission so agreed, mindful of the need for the Commission on Human Rights to deal with urgent and acute human rights situations in the most expeditious way, recognizing the need to specify the procedure to be followed in the case of a request for a special session of the Commission on Human Rights, decides that the procedure for convening special sessions of the Commission on Human Rights in accordance with its resolution 1990/48 shall be that contained in the annex to the present decision.

ANNEX

Procedure for special sessions of the Commission on Human Rights

1. Any State Member of the United Nations may request the Secretary-General to convene a special session of the Commission on Human Rights. Such a request shall be submitted, together with the reasons for the request, to the Assistant Secretary-General for Human Rights at Geneva.

2. The following rules shall apply for the consideration of such requests:

(a) The Assistant Secretary-General shall immediately transmit the request, together with the reasons given, to the States members of the Commission by the most expeditious means of communication available and inquire whether or not they support the request;

(b) States members of the Commission shall, within four United Nations working days from the date of the communication from the Assistant Secretary-General, express in writing their views concerning the request;

(c) The replies from States members of the Commission must reach the office of the Assistant Secretary-General for Human Rights not later than 6 p.m. Geneva time on the fourth day;

(d) The Assistant Secretary-General shall duly inform the States members of the Commission of the results of the inquiry and, if the majority of States members have expressed support for the convening of a special session of the Commission within the deadline referred to in paragraph 2 (c) above, in conformity with Economic and Social Council resolution 1990/48 of 25 May 1990, the Assistant Secretary-General shall communicate the opening date of the special session;

(e) The special session shall open between the fourth and the sixth United Nations working day after the deadline referred to in paragraph 2 (c) above.

3. In considering the appropriateness of holding a special session, States members of the Commission may take into consideration whether the Economic and Social Council or the General Assembly is in regular session and is, or is likely to be, seized of the matter concerned;

4. The duration of the special session shall, in principle, not exceed three days.

5. The rules of procedure of such a special session shall be the rules of procedure of the functional commissions of the Economic and Social Council.

6. The Commission on Human Rights meeting in special session may take the same decisions as at its regular sessions.

7. If the Commission in special session requests the submission of a report on the matter under consideration, the report, together with any information provided by the State concerned, shall be distributed promptly by the Assistant Secretary-General to all States members of the Commission.

8. If the report and the information referred to in paragraph 7 above are not considered by the Commission meeting in special session on the issue, they shall be considered at the next regular session of the Commission or the General Assembly or at the next substantive session of the Economic and Social Council, whichever occurs earlier.

[See chap. II, sect. A, resolution 1993/96, and chap. XI.]

38. Promoting the realization of the right to adequate housing

The Economic and Social Council, taking note of Commission on Human Rights decision 1993/103 of 4 March 1993 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/26 of 27 August 1992, approves the endorsement by the Commission of the decision of the Sub-Commission to appoint Mr. Rajindar Sachar as Special Rapporteur on promoting the realization of the right to adequate housing and to request him to carry out a two-year study on this issue, and also approves the endorsement by the Commission of the requests of the Sub-Commission to:

(a) The Special Rapporteur to submit to the Sub-Commission, at its forty-fifth session, a progress report on the promotion of the realization of the right to adequate housing, taking into account the comments made during the discussion of his working paper (E/CN.4/Sub.2/1992/15) at its forty-fourth session;

(b) To the Secretary-General to provide the Special Rapporteur with all the assistance he may require to prepare his study and to compile and analyse the information and documents collected.

[See chap.II, sect. B, decision 1993/103, and chap. VII.]

39. Human rights dimensions of population transfer, including the implantation of settlers and settlements

The Economic and Social Council, taking note of Commission on Human Rights decision 1993/104 of 4 March 1993 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/28 of 27 August 1992, approves the endorsement by the Commission of the decision of the Sub-Commission to entrust Mr. Awn Shawkat Al-Khasawneh and Mr. Ribot Hatano, as Special Rapporteurs, with preparing a preliminary study on the human rights dimensions of population transfer, including the implantation of settlers and settlements, and also approves the endorsement by the Commission of the Sub-Commission's request to the Secretary-General to give the Special Rapporteurs all the assistance necessary for their study.

[See chap. II, sect. B, decision 1993/104, and chap. VII.]

40. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

The Economic and Social Council, taking note of Commission on Human Rights decision 1993/105 of 5 March 1993 and Sub-Commission on Prevention of Discrimination and Protection of Minorities decision 1992/110 of 27 August 1992, approves the endorsement by the Commission of the Sub-Commission's request to the Special Rapporteur to submit a second progress report on the study on treaties, agreements and other constructive arrangements between States and indigenous populations to the Working Group on Indigenous Populations at its twelfth session and to the Sub-Commission at its forty-sixth session, and also approves the endorsement by the Commission of the Sub-Commission's decision to request the Secretary-General to give the Special Rapporteur all the assistance necessary to allow him to continue his work, in particular by providing for the specialized research assistance required and for the necessary trips to Geneva for consultations with the Centre for Human Rights.

[See chap. II, sect. B, decision 1993/105, and chap. XIX.]

41. Right to a fair trail

The Economic and Social Council, recalling its decision 1992/230 of 20 July 1992, and taking note of Commission on Human Rights decision 1993/106 of 5 March 1993, approves the endorsement by the Commission of the request of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1992/21 of 27 August 1992 to Mr. Stanislav Chernichenko and Mr. William Treat to continue their study entitled "The right

to a fair trial: current recognition and measures necessary for its strengthening", and requests the Secretary-General to provide the Special Rapporteurs with all the assistance necessary for the completion of their task.

[See chap. II, sect. B, decision 1993/106, and chap. X.]

42. The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

The Economic and Social Council, taking note of Commission on Human Rights decision 1993/107 of 5 March 1993 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/32 of 27 August 1992, approves the endorsement by the Commission of the request of the Sub-Commission to Mr. Theo van Boven, Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, to continue his study, and to submit to the Sub-Commission, at its forty-fifth session, a final report which should include a set of conclusions and recommendations aimed at developing basic principles and guidelines with respect to the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, and also approves the endorsement by the Commission of the Sub-Commission's request to the Secretary-General to provide the Special Rapporteur with all the assistance he may require to prepare his final report.

[See chap. II, sect. B, decision 1993/107, and chap. X.]

43. Human Rights and the environment

The Economic and Social Council, taking note of Commission on Human Rights decision 1993/114 of 10 March 1993 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/31 of 27 August 1992, approves the endorsement by the Commission of the requests of the Sub-Commission:

(a) To the Special Rapporteur on human rights and the environment, Ms. Fatma Zohra Ksentini, to prepare a second progress report containing additional information on and an analysis of decisions and views of Governments, United Nations bodies, specialized agencies, intergovernmental and non-governmental organizations, indigenous peoples' organizations and international human rights organizations, as well as information on and an analysis of national law and practice;

(b) To the Secretary-General to provide the Special Rapporteur with all the assistance she may require for the preparation of her study and the necessary assistance to compile and analyse the information and documents collected.

[See chap. II, sect. B, decision 1993/114, and chap. XIV.]

44. Organization of the work of the fiftieth session of the Commission on Human Rights

The Economic and Social Council, taking note of Commission on Human Rights decision 1993/116 of 12 March 1993, decides to authorize, if possible within existing financial resources, forty fully-serviced additional meetings, including summary records, for the Commission's fiftieth session, and takes note of the Commission's decision to request the Chairman of the Commission at its fiftieth session to make every effort to organize the work of the session within the time normally allotted, the additional meetings to be utilized only if they prove to be absolutely necessary.

[See chap. II, sect. B, decision 1993/116, and chap. III]

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AT ITS FORTY-NITH SESSION

A. Resolutions

1993/1. Human rights in the occupied Syrian Golan

The Commission on Human Rights,

Deeply concerned at the suffering of the population of the Syrian and other Arab territories occupied by Israel since 1967 and the continued Israeli military occupation, and that the human rights of the population continue to be violated,

Recalling Security Council resolution 497 (1981) of 17 December 1981, in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision,

Recalling General Assembly resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/88 E of 10 December 1982, 38/79 F of 15 December 1983, 39/95 F of 14 December 1984, 40/161 F of 16 December 1985, 41/63 F of 3 December 1986, 42/160 F of 8 December 1987, 43/21 of 3 November 1988, 43/58 F of 6 December 1988, 44/2 of 6 October 1989, 45/74 F of 11 December 1990, 46/47 F of 9 December 1991 and 47/70 F of 14 December 1992,

Recalling also General Assembly resolution 3414 (XXX) of 5 December 1975 and other relevant resolutions in which the Assembly, inter alia, demanded the immediate, unconditional and total withdrawal of Israel from the Arab territories occupied since 1967,

Recalling further General Assembly resolution 3314 (XXIX) of 14 December 1974, in which the Assembly defined an act of aggression,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible under the principles of international law and under the Charter of the United Nations and the relevant resolutions of the Security Council and the General Assembly, and that all territories thus occupied by Israel must be returned,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/47/509) and, in this connection, deploring Israel's constant refusal to cooperate with and to receive the Special Committee,

Expressing its grave alarm, after considering the above-mentioned report of the Special Committee, over Israel's flagrant and persistent violations of human rights in the Syrian and other Arab territories occupied since 1967, despite the resolutions of the Security Council and the General Assembly which repeatedly called upon Israel to put an end to such occupation,

Reaffirming its previous relevant resolutions, the most recent being resolution 1992/1 of 14 February 1992,

Guided by the relevant provisions of the Charter of the United Nations and the Universal Declaration of Human Rights and with particular reference to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of The Hague Conventions of 1899 and 1907,

1. Strongly condemns Israel, the occupying Power, for its refusal to comply with the relevant resolutions of the General Assembly and the Security Council, particularly resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, should rescind forthwith its decision;

2. Condemns the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

3. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

4. Strongly condemns Israel for its attempt to impose forcibly Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and for its practices of annexation, establishment of settlements, confiscation of lands, diversion of water resources and imposing a boycott on their agricultural products; and calls upon Israel to desist from its settlement designs and policies aimed against academic institutions with the goal of distorting the historical facts and serving the objectives of occupation, and to desist from its repressive measures against the population of the occupied Syrian Golan;

5. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to in the present resolution;

6. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs,

the specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its fiftieth session;

7. Decides to include in the provisional agenda of its fiftieth session, as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

29th meeting
19 February 1993
[Adopted by a roll-call vote of 29 to 1, with 17 abstentions. See chap. IV.]

1993/2. Question of the violation of human rights in the occupied Arab territories, including Palestine

A

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, as well as by the provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Taking into consideration the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the provisions of Additional Protocol I thereto, and The Hague Convention IV of 1907, as well as the principles of international law affirmed by the General Assembly in its resolutions 3 (I) of 13 February 1946, 95 (I) of 11 December 1946, 260 A (III) of 9 December 1948 and 2391 (XXIII) of 26 November 1968,

Recalling the relevant Security Council resolutions, in particular resolutions 252 (1968) of 25 May 1968, 267 (1969) of 3 July 1969, 298 (1971) of 25 September 1971, 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 471 (1980) of 5 June 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, 641 (1989) of 30 August 1989, 672 (1990) of 12 October 1990, 694 (1991) of 24 May 1991, 726 (1992) of 6 January 1992 and 799 (1992) of 18 December 1992,

Recalling also the General Assembly resolutions on Israeli violations of human rights in occupied Palestine, since 1967 and until now,

Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly since 1968,

Noting with great concern the Israeli refusal to abide by the resolutions of the Security Council, the General Assembly and the Commission on Human Rights,

Recalling all its previous resolutions on the subject,

1. Condemns the policies and practices of Israel, which violate the human rights of the Palestinian people in the Palestinian territory occupied by Israel with military force, including Jerusalem, and, in particular, the opening of fire by the Israeli army and settlers on Palestinian civilians that results in killing and wounding them, as has happened continuously since the eruption of the Palestinian people's intifada against the Israeli military occupation; the imposition of restrictive economic measures; the demolition of houses; the expropriation of houses; the ransacking of property belonging individually or collectively to private persons; collective punishment; arbitrary and administrative detention of thousands of Palestinians; the confiscation of property of Palestinians, including their bank accounts; the expropriation of land; the prevention of travel; the closure of universities and schools; the perpetration of crimes of torture in Israeli prisons and detention centres; and the establishment of Jewish settlements in the occupied Palestinian territory;

2. Affirms the right of the Palestinian people to resist the Israeli occupation by all means, in accordance with the relevant United Nations resolutions, consistent with the purposes and principles of the Charter of the United Nations, as has been expressed by the Palestinian people in their brave intifada since December 1987, in legitimate resistance against the Israeli military occupation;

3. Calls once more upon Israel, the occupying Power, to desist from all forms of violation of human rights in the Palestinian and other occupied Arab territories and to respect the bases of international law, the principles of international humanitarian law, and its commitments to the provisions of the Charter and resolutions of the United Nations;

4. Decides to appoint a special rapporteur with the following mandate:

(a) To investigate Israel's violations of the principles and bases of international law, international humanitarian law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian territories occupied by Israel since 1967;

(b) To receive communications, to hear witnesses, and to use such modalities of procedure as he may deem necessary for his mandate;

(c) To report, with his conclusions and recommendations, to the Commission on Human Rights at its future sessions, until the end of the Israeli occupation of those territories;

5. Calls upon Israel to cooperate with the Special Rapporteur and facilitate his task;

6. Also calls upon Israel to withdraw from the Palestinian territory, including Jerusalem, and other occupied Arab territories in accordance with the resolutions of the United Nations, including those of the Commission, in this regard;

7. Requests the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it on the widest possible scale, and to report on its implementation by the Government of Israel to the Commission on Human Rights at its fiftieth session;

8. Also requests the Secretary-General to provide the Commission on Human Rights with all United Nations reports issued between sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation;

9. Decides to consider the question at its fiftieth session as a matter of priority.

29th meeting
19 February 1993
[Adopted by a roll-call vote of 26 to 16, with 5 abstentions. See chap. IV.]

B

The Commission on Human Rights,

Recalling Security Council resolutions related to the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian and other occupied Arab territories and the condemnation by the Security Council of Israel for its refusal to abide by the Convention, particularly resolutions 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 497 (1981) of 17 December 1981, 592 (1986) of 8 December 1986, 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, 641 (1989) of 30 August 1989, 672 (1990) of 12 October 1990, 681 (1990) of 20 December 1990, 694 (1991) of 24 May 1991, 726 (1992) of 6 January 1992 and 799 (1992) of 18 December 1992,

Recalling all relevant General Assembly resolutions on the applicability to the occupied Palestinian territory of the Convention which urge Israel's commitment to and respect for their provisions,

Recalling also the decisions of the International Conference of the Red Cross in respect of the application of the Convention in all circumstances and the statements of the International Committee of the Red Cross which condemn the continuous grave violations by Israel of the provisions of the Convention and its refusal to apply those provisions in the occupied territories,

Taking into account that the States parties to the Convention undertake, in accordance with article 1 thereof, to respect, and ensure respect for, the Convention in all circumstances,

Noting with great concern the report of the Secretary-General (S/25149) submitted to the Security Council, which affirmed the refusal of Israel to comply with the resolutions of the Security Council and recommended that the Security Council take the necessary measures to force Israel to adhere to resolution 799 (1992) and to implement it,

Recalling all its previous resolutions on the subject,

1. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinian and all other Arab territories occupied by Israel since 1967, including Jerusalem, and that Israel's long-standing refusal to apply the Convention to those territories has led to the perpetration by the Israeli authorities of grave violations of human rights against Palestinian citizens, and calls upon Israel to comply with its international commitments, to respect the Convention and to apply it in the occupied Palestinian territory, including Jerusalem;

2. Urges once more all States parties to the Convention to make every effort to ensure the Israeli occupation authorities' respect for and compliance with the provisions of the Convention in the Palestinian and all other Arab territories occupied by Israel since 1967, including Jerusalem, and to undertake the necessary practical measures to ensure the provision of international protection for the Palestinian people under occupation, in accordance with the provisions of article 1 and other relevant articles of the Convention as well as article 89 of Additional Protocol I to the four Geneva Conventions; also urges the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War to act in accordance with article 90 of Additional Protocol I by requesting the fact-finding commission referred to therein to investigate the grave violations of international humanitarian law in the occupied Palestinian territory mentioned in the present resolution;

3. Strongly condemns once more the refusal of Israel to apply the Convention to Palestine and the Arab territories occupied since 1967 and to their inhabitants, Israel's policies of perpetrating crimes of torture against Palestinian detainees and prisoners in Israeli prisons and concentration camps

and its continued deliberate disregard for the provisions of the Convention, in contravention of resolutions of the Security Council, the General Assembly and the Commission on Human Rights;

4. Strongly condemns Israel for its grave violations of article 49 of the Convention and for continuing its policy of deporting Palestinian citizens and of expelling them from their homeland, as happened to more than four hundred Palestinian citizens on 17 December 1992, and calls upon Israel to comply with the resolutions of the Security Council, particularly resolutions 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, 641 (1989) of 30 August 1989, 672 (1990) of 12 October 1990, 681 (1990) of 20 December 1990, 694 (1991) of 24 May 1991, 726 (1992) of 6 January 1992 and 799 (1992) of 18 December 1992, as well as with the relevant resolutions of the General Assembly and the Commission on Human Rights, and to refrain from such a policy which violates the principles of international law;

5. Calls upon Israel to allow all those who have been deported since 1967 to return to their homeland without delay in implementation of the resolutions of the Security Council, the General Assembly and the Commission on Human Rights;

6. Requests the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations, international humanitarian organizations and non-governmental organizations, and to report on progress in its implementation by the Government of Israel to the Commission on Human Rights at its fiftieth session;

7. Decides to consider the question at its fiftieth session as a matter of high priority.

29th meeting
19 February 1993
[Adopted by a roll-call vote of 27 to 1, with 19 abstentions. See chap. IV.]

1993/3. Israeli settlements in the occupied Arab territories

The Commission on Human Rights,

Recalling that, in accordance with article 13, paragraph 2, of the Universal Declaration of Human Rights, everyone has the right to leave any country, including his own, and to return to his country,

Reaffirming that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to Palestinian and all Arab territories occupied by Israel since 1967, including Jerusalem,

Recalling its resolutions 1990/1 of 16 February 1990, 1991/3 of 15 February 1991 and 1992/3 of 14 February 1992, which, inter alia, reaffirmed the illegality of the Israeli settlements in the occupied territories,

Gravely concerned at the large-scale establishment by the Israeli Government of settlers, including immigrants, in the occupied territories, which may change the physical character and demographic composition of the occupied territories,

Taking into account the need to create the stable environment required for progress in the negotiation process following the Peace Conference on the Middle East convened in Madrid on 30 October 1991,

Convinced that a complete cessation by Israel of its policy of settlement would constitute a meaningful contribution to the creation of that environment,

1. Reaffirms that the installation of Israeli civilians in the occupied territories is illegal and constitutes a violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

2. Regrets that the Government of Israel has not fully complied with the provisions of Commission on Human Rights resolutions 1990/1, 1991/3 and 1992/3;

3. Urges the Government of Israel to abstain from installing settlers, including immigrants, in the occupied territories.

29th meeting
19 February 1993
[Adopted by a roll-call vote of 46 to 1. See chap. IV.]

1993/4. Situation in occupied Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right of self-determination,

Taking into consideration the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples adopted by the General Assembly in its resolution 1514 (XV) of 14 December 1960,

Noting Security Council resolutions 183 (1963) of 11 December 1963 and 218 (1965) of 23 November 1965, which affirmed the interpretation of the principle of self-determination as laid down in General Assembly resolution 1514 (XV),

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination without external interference and to the establishment of their independent State on their national soil, especially Assembly resolutions ES-7/2 of 29 July 1980 and 37/86 E of 20 December 1982,

Reaffirming its previous resolutions in this regard,

Bearing in mind the reports and recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People which, from 1976 to 1992, have been submitted to the Security Council through the General Assembly,

Reaffirming the right of the Palestinian people to self-determination in accordance with the Charter of the United Nations, the relevant United Nations resolutions and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world,

Expressing its grave concern at the persistence of Israel in preventing by force the Palestinian people from enjoying their inalienable rights, in particular their right to self-determination, in defiance of the principles of international law, the relevant United Nations resolutions and the will of the international community, which has affirmed and recognized those rights,

Recalling that the military occupation by the armed forces of a State of the territory of another State constitutes an act of aggression and a crime against the peace and security of mankind, according to General Assembly resolution 3314 (XXIX) of 14 December 1974,

Expressing its grave concern that no just solution has been achieved to the problem of Palestine, which has constituted the core of the Arab-Israeli conflict since 1948,

Reiterating its grave concern at the military, economic and political support given by some States to Israel, which would encourage and support Israel in its policies based on aggression, expansion and continued occupation of Palestinian and other Arab territories and the Judaization of the occupied territory by establishing Jewish settlements and settling Jewish immigrants therein,

Affirming that the directing of the immigration of Jews in an organized manner to Israel constitutes support for Israel's settlement policy in the occupied Palestinian territory and an obstacle to the exercise by the Palestinian people of their right to self-determination,

1. Reaffirms the inalienable right of the Palestinian people to self-determination without external interference;

2. Calls upon Israel to comply with its obligations under the Charter of the United Nations and the principles of international law and to withdraw from the Palestinian and other Arab territories which it has occupied since 1967 by military force, including Jerusalem, in accordance with the relevant United Nations resolutions, so as to enable the Palestinian people to exercise their universally recognized right of self-determination;

3. Requests the Secretary-General to transmit the present resolution to the Government of Israel and to all other Governments, to distribute it on the widest possible scale and to make available to the Commission on Human Rights, prior to the convening of its fiftieth session, all information pertaining to the implementation of the present resolution by the Government of Israel;

4. Decides to include in the provisional agenda for its fiftieth session the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to consider the situation in occupied Palestine under that item, as a matter of high priority.

29th meeting
19 February 1993
[Adopted by a roll-call vote of 27 to 1, with 19 abstentions. See chap. IX.]

1993/5. Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination

The Commission on Human Rights,

Recalling the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the sovereign equality, political independence and territorial integrity of States and the self-determination of peoples, as well as the need for scrupulous respect for the principle of the non-use of force or threat of the use of force in international relations as developed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)),

Recognizing that mercenaries are used for activities which violate these principles,

Alarmed at the continuing trend of unlawful international activities involving mercenaries in the perpetration of violent actions inimical to the constitutional order of States,

Concerned at the grave menace that the increasing activities of mercenaries represent in many parts of the world, in particular in Africa,

Gravely concerned at the loss of life, the damage to property and the negative effects on the economies of affected States, in the southern African region and elsewhere,

Taking note with appreciation of Economic and Social Council decision 1992/225 of 20 July 1992, by which the Council approved the decision of the Commission to extend the mandate of the Special Rapporteur for three years to enable him to carry out further studies on the use of mercenaries and to make recommendations to the Commission accordingly,

Noting with appreciation the report of the Special Rapporteur (E/CN.4/1993/18), and in particular the concern expressed therein at the continuation of the activities of mercenaries in spite of Commission resolution 1992/6 of 21 February 1992,

1. Reaffirms that the recruitment, use, financing and training of mercenaries should be considered as offences of grave concern to all States;

2. Urges all States to prevent mercenaries from using any part of their territory to destabilize any sovereign State;

3. Calls upon all States that have not yet done so to consider taking early action to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

4. Requests the Special Rapporteur to report to the Commission at its fiftieth session on all further developments concerning the use of mercenaries, wherever this may occur.

29th meeting
19 February 1993
[Adopted without a vote. See chap. IX.]

1993/6. Situation of human rights in Cambodia

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling its decision 1992/102 of 21 February 1992,

Bearing in mind the role and responsibilities of the United Nations and the international community in the process of the rehabilitation and reconstruction of Cambodia, which will continue after the transitional period,

Recognizing that Cambodia's tragic recent history requires special measures to assure the protection of human rights and the non-return to the policies and practices of the past,

Taking note of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict signed on 23 October 1991, including part III relating to human rights,

Noting the decision to hold elections in Cambodia from 23 to 25 May 1993, and the consequent ending, three months thereafter, of the mandate of the United Nations Transitional Authority in Cambodia,

Welcoming the signature by Cambodia on 20 April 1992 of the International Covenants on Human Rights and its accession on 20 September 1992 to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention relating to the Status of Refugees and the Protocol thereto,

Noting the summary and proposals contained in the report on the International Symposium on Human Rights in Cambodia held at Phnom Penh from 30 November to 2 December 1992 (E/CN.4/1993/19/Add.1),

Welcoming the establishment of the trust fund for the programme in human rights education for Cambodia, which calls for intensive collaboration between the United Nations and non-governmental organizations active in the field of human rights,

1. Takes note with appreciation of the report of the Secretary-General (E/CN.4/1993/19);

2. Requests the Secretary-General to ensure a continued United Nations human rights presence in Cambodia after the expiry of the mandate of the United Nations Transitional Authority in Cambodia, inter alia through the operational presence of the Centre for Human Rights, in order to:

(a) Manage the implementation of educational and technical assistance and advisory services programmes and to ensure their continuation;

(b) Assist the Government of Cambodia established after the election, at its request, in meeting its obligations under the human rights instruments recently acceded to, including the preparation of reports to the relevant monitoring committees;

(c) Provide support to bona fide human rights groups in Cambodia;

(d) Contribute to the creation and/or strengthening of national institutions for the promotion and protection of human rights;

(e) Continue to assist with the drafting and implementation of legislation to promote and protect human rights;

(f) Continue to assist with the training of persons responsible for the administration of justice;

3. Recognizes the constraints on the financial resources of the Centre for Human Rights;

4. Requests the Secretary-General to provide appropriate additional resources, within existing overall United Nations resources, to fund the operational presence of the Centre for Human Rights within the framework of other United Nations activities in Cambodia after the expiry of the mandate of the United Nations Transitional Authority in Cambodia;

5. Strongly urges Governments and interested organizations to consider contributing to the trust fund for the programme in human rights education for Cambodia;

6. Requests the Secretary-General to appoint a special representative:

(a) To maintain contact with the Government and people of Cambodia;

(b) To guide and coordinate the United Nations human rights presence in Cambodia;

(c) To assist the Government in the promotion and protection of human rights;

(d) To report to the General Assembly at its forty-eighth session and the Commission on Human Rights at its fiftieth session under the agenda item entitled "Advisory services in the field of human rights";

7. Decides to review the respective programmes and mandates set out in the present resolution at its fifty-first session;

8. Requests the Secretary-General to communicate the contents of the present resolution to, and seek the consent and cooperation of, the newly elected Government of Cambodia to facilitate the tasks of the Special Representative and the Centre for Human Rights in the fulfilment of their respective mandates.

29th meeting
19 February 1993
[Adopted without a vote. See chap. IX.]

1993/7. Situation of human rights in the territory of the former Yugoslavia

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of

All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other instruments of international humanitarian law, including the Geneva Conventions of 12 August 1949 for the protection of war victims and the Additional Protocols thereto of 1977, as well as principles of the Conference on Security and Cooperation in Europe,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all, and to prevent violations of such rights,

Recalling its resolutions 1992/S-1/1 of 14 August 1992 and 1992/S-2/1 of 1 December 1992 and the relevant resolutions of the Security Council and the General Assembly,

Recalling also General Assembly resolution 3074 (XXVIII) of 3 December 1973 entitled "Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity",

Noting with alarm the four reports of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1992/S-1/9, E/CN.4/1992/S-1/10, A/47/666-S/24809 and E/CN.4/1993/50),

Gravely concerned at the human tragedy in parts of the territory of the former Yugoslavia and at the continuing massive and systematic violations of human rights occurring there, particularly in the areas of the Republic of Bosnia and Herzegovina under Serbian control,

Deeply concerned about the situation of human rights in Serbia, particularly in Kosovo, as well as in Sandzak and Vojvodina,

Alarmed that the situation of human rights in the former Yugoslavia, particularly in the Republic of Bosnia and Herzegovina, has deteriorated further since the Commission met in special session to consider the situation on 30 November and 1 December 1992,

Recalling its grave concern at the continuing, odious practice of ethnic cleansing, which is the direct cause of the vast majority of human rights violations in the former Yugoslavia and whose principal victims are the Muslim population, virtually threatened by extermination,

Recalling its resolution 1992/S-2/1 in which, inter alia, it called on all States to consider the extent to which the acts committed in Bosnia and Herzegovina and Croatia constituted genocide, and noting General Assembly resolution 47/121 of 18 December 1992, in which the Assembly, inter alia, stated that the abhorrent policy of ethnic cleansing was a form of genocide,

Deeply disturbed at the huge number of missing persons still unaccounted for in the conflict in the former Yugoslavia, particularly in the Republic of Bosnia and Herzegovina,

Noting with appreciation the efforts of the Special Rapporteur appointed pursuant to resolution 1992/S-1/1, as well as those of the Chairman of the Working Group on Arbitrary Detention, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture and the representative of the Secretary-General on internally displaced persons, who accompanied the Special Rapporteur on one or more of his missions,

Recalling with appreciation the continuing efforts of the International Conference on the Former Yugoslavia and the Co-Chairmen of its Steering Committee to achieve what must be a just, viable and lasting political settlement of the conflict in the former Yugoslavia,

1. Commends the Special Rapporteur for his activities to date, and in particular his latest report on the situation of human rights in the territory of the former Yugoslavia;

2. Reaffirms that all parties in the former Yugoslavia share the responsibility for finding peaceful solutions to the conflict through negotiations under the auspices of the International Conference on the Former Yugoslavia, and urges that human rights concerns be given proper priority in the peace process;

3. Notes with pleasure the observations of the Special Rapporteur regarding the positive human rights situation in the Republic of Slovenia;

4. Notes with interest the observations of the Special Rapporteur regarding the situation of human rights in the former Yugoslav Republic of Macedonia;

5. Expresses its grave concern at the conclusion of the Special Rapporteur that the influence of ultra-nationalist ideologies is growing in Serbia and other parts of the former Yugoslavia and that indoctrination and misinformation continue to encourage national and religious hatred;

6. Demands that all parties immediately notify the International Committee of the Red Cross of the locations of all camps, prisons and other places of detention within the territory of the former Yugoslavia and that the International Committee of the Red Cross, the Special Rapporteur, the Office of the United Nations High Commissioner for Refugees, the missions of the European Community and the Conference on Security and Cooperation in Europe and other relevant international and regional organizations be granted immediate, unimpeded and continued access to such places of detention;

7. Demands the immediate internationally supervised release of all persons arbitrarily or illegally detained in the former Yugoslavia and the immediate closure of all detention facilities not authorized by and in compliance with the Geneva Conventions of 12 August 1949;

8. Condemns in the strongest terms all violations of human rights and international humanitarian law in the former Yugoslavia by all sides to the conflict, recognizing that the leadership in territory under the control of

Serbs in the Republics of Bosnia and Herzegovina and Croatia, the commanders of Serb paramilitary forces and political and military leaders in the Federal Republic of Yugoslavia (Serbia and Montenegro) bear primary responsibility for most of these violations;

9. Takes note of the conclusion of the Special Rapporteur in his report (E/CN.4/1993/50, para. 261) that, with the prolongation of the conflict, more and more atrocities are being committed by other parties as well;

10. Condemns in particular the reprehensible acts identified by the Special Rapporteur as component parts of ethnic cleansing, including the forced transfer of populations, attacks on non-military targets, summary executions, arbitrary detention of civilians, the systematic practice of rape and the cutting-off of supplies of food and other essentials to civilian population centres, and urges the international community to use its influence on the Federal Republic of Yugoslavia (Serbia and Montenegro) and the self-proclaimed Serbian authorities in the Republic of Bosnia and Herzegovina and in Croatia to bring the practice of ethnic cleansing to an immediate end and to reverse the effects of that practice, which violates fundamental principles of international human rights and humanitarian law;

11. Re-emphasizes the right of refugees, displaced persons and other victims of ethnic cleansing to return to their homes and the invalidity of forced transfers of property and other acts made under duress;

12. Condemns once again the indiscriminate shelling of cities and civilian areas, the systematic terrorization and murder of non-combatants, the destruction of vital services, the besieging of cities and the use of military force against civilian populations and relief operations by all sides, recognizing that the main responsibility lies with Serbian forces;

13. Condemns in particular the deliberate impeding of the delivery of food and medical supplies essential for the survival of the civilian population, which constitutes a violation of international humanitarian law, and demands that all parties to the conflict ensure that persons under their control cease all interference with deliveries of humanitarian supplies;

14. Condemns in particular the deliberate murder of the Deputy Prime Minister of the Republic of Bosnia and Herzegovina, Hakija Turajlic, by Bosnian Serb forces;

15. Condemns also the attacks on the United Nations Protection Force, which have resulted in casualties and deaths of United Nations personnel who are, inter alia, providing protection to civilians in the United Nations protected areas in Croatia and for deliveries of humanitarian assistance throughout the Republic of Bosnia and Herzegovina;

16. Condemns further all atrocities against civilians and detainees, including torture, mutilation and rape;

17. Demands that the authorities in the former Yugoslavia immediately take appropriate steps, in accordance with internationally recognized principles of due process, to apprehend and punish those who are guilty of perpetrating or authorizing the above-mentioned acts and take all necessary measures to ensure the enjoyment of human rights and fundamental freedoms, in accordance with their obligations under the relevant international instruments;

18. Affirms that all persons who perpetrate or authorize violations of international humanitarian law, including the above-mentioned acts, are individually responsible and accountable for those violations and that the international community will exert every effort to bring those responsible for such violations to justice in accordance with internationally recognized principles of due process;

19. Requests all United Nations bodies, including the United Nations Protection Force, the United Nations human rights treaty bodies and the specialized agencies, and Governments and informed intergovernmental and non-governmental organizations to cooperate fully with the Special Rapporteur and in particular to provide him on a continuing basis with all relevant and accurate information in their possession on the situation of human rights in the former Yugoslavia;

20. Commends those States, United Nations bodies, specialized agencies and organizations that have provided pertinent information to the Commission of Experts in accordance with Security Council resolution 780 (1992) of 6 October 1992 and requests the Special Rapporteur, as well as all States, United Nations bodies, including the United Nations Protection Force, the United Nations human rights treaty bodies and specialized agencies, and, as appropriate, international humanitarian organizations, to provide the Commission of Experts on a continuing basis with all relevant and accurate information in their possession;

21. Welcomes the work of the Commission of Experts to examine and analyse evidence of violations of international humanitarian law in the former Yugoslavia, including in particular its investigations of mass grave sites and places where mass killings are reported to have taken place;

22. Requests the Secretary-General immediately to provide additional resources and personnel to the Commission of Experts sufficient to enable it to fulfil its mandate effectively, and urges States to make available to the Commission of Experts appropriate resources, personnel and assistance for its continuing efforts;

23. Welcomes Security Council resolution 808 (1993) of 22 February 1993, by which the Council decided that an international tribunal should be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia, and invites the Secretary-General in his report to the Council to propose that the tribunal should also determine whether the crimes committed fall within the scope of the Convention on the Prevention and Punishment of the Crime of Genocide;

24. Expresses its grave concern at the deteriorating human rights situation in Serbia, particularly in Kosovo, as described in the report of the Special Rapporteur, and condemns the violations of human rights occurring there, including:

(a) Police brutality against ethnic Albanians, arbitrary searches, seizures and arrests, torture and ill-treatment during detention and discrimination in the administration of justice which leads to a climate of lawlessness in which criminal acts, particularly against ethnic Albanians, take place with impunity;

(b) The discriminatory removal of ethnic Albanian officials, especially from the police and judiciary, the mass dismissal of ethnic Albanians from professional, administrative and other skilled positions in State-owned enterprises and public institutions, including teachers from the Serb-run school system, and the closure of Albanian high schools and universities;

(c) Arbitrary imprisonment of ethnic Albanian journalists, the closure of Albanian-language mass media and the discriminatory removal of ethnic Albanian staff from local radio and television stations;

25. Demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) respect the human rights and fundamental freedoms of ethnic Albanians in Kosovo, and expresses its view that the best means to safeguard human rights in Kosovo is to restore its autonomy with a view to an overall political settlement of the situation in the former Yugoslavia;

26. Expresses its grave concern at the report by the Special Rapporteur of violations of human rights occurring in Sandjak and Vojvodina, particularly acts of physical harassment, abductions, the burning of homes, warrantless searches, confiscation of property and other practices intended to change the ethnic structure in favour of the Serbian population;

27. Recognizes the courage and sacrifice of many Serbs who have refused to participate in these violations;

28. Urges all parties in Serbia, particularly in Kosovo, Sandjak and Vojvodina, to engage in a substantive dialogue, act with the utmost restraint and settle disputes in full compliance with human rights and fundamental freedoms, and calls on the Serbian authorities to refrain from the use of force and the practice of ethnic cleansing and to respect fully the rights of persons belonging to minority groups in Serbia, in order to prevent the extension of the conflict to other parts of the former Yugoslavia and other States;

29. Invites the Security Council to consider establishing a United Nations observer mission, in coordination with the Special Rapporteur and the Conference on Security and Cooperation in Europe and its missions of long duration, to be deployed as soon as possible to investigate and report on alleged human rights violations in Kosovo, Sandjak and Vojvodina;

30. Expresses its concern at the Special Rapporteur's report on the human rights situation in Croatia with respect to cases of minorities who have been refused citizenship and instances of strict control by the Government over radio and television;

31. Notes with concern that many of the recommendations in the Special Rapporteur's three previous reports have not been implemented and urges all States and relevant organizations immediately to give serious consideration to the recommendations of the Special Rapporteur in his previous and present reports, in particular:

(a) The call for the opening of humanitarian relief corridors to prevent the imminent death of tens of thousands of persons in besieged cities;

(b) The recommendation for the creation of safe areas for the protection of displaced persons, keeping in mind that the international community must not acquiesce in demographic changes caused by ethnic cleansing;

(c) The recommendation for the provision of necessary medical and psychological care to victims of rape in the former Yugoslavia within the framework of programmes to rehabilitate women and children traumatized by war and for coordinated efforts by United Nations bodies, non-governmental organizations and local communities in support of the social integration of child victims of the conflict;

(d) The suggestion regarding the role of the United Nations Protection Force concerning the protection of civilians against human rights violations;

(e) The call for more generous international assistance to refugees fleeing the conflict in the former Yugoslavia;

(f) The suggestion that there should be increased support and assistance given to initiatives taken by independent groups aimed at providing objective information to persons within the territory of the former Yugoslavia;

(g) The proposal for the creation of a voluntary fund to provide economic and social aid to assist the reconstruction of destroyed villages and towns in the former Yugoslavia;

32. Decides to extend the mandate of the Special Rapporteur for one year and requests that he continue his efforts, especially in carrying out such further missions in Serbia and other parts of the former Yugoslavia as he deems necessary, and that he continue to submit periodic reports as the situation warrants on the implementation of this and all relevant resolutions of the Commission concerning the former Yugoslavia, and requests the Secretary-General to continue to make the reports of the Special Rapporteur available to the Security Council;

33. Urges all parties to cooperate in determining the fate of thousands of missing persons in the former Yugoslavia by disclosing and exchanging

information and documentation with a view to finally locating such persons and alleviating the suffering of their relatives, and requests the Special Rapporteur, in consultation with the Working Group on Enforced or Involuntary Disappearances and the International Committee of the Red Cross, to develop proposals for a mechanism to address the subject of disappearances in the former Yugoslavia;

34. Requests the Secretary-General to take steps to ensure the full and effective cooperation of all United Nations bodies to implement the present resolution and, pursuant to paragraph 21 of General Assembly resolution 47/147 of 18 December 1992, to provide the Special Rapporteur, within the overall budgetary framework of the United Nations, with additional resources and all other necessary assistance to enable him to fulfil his mandate and, in particular, to provide for the appointment of field staff in the territory of the former Yugoslavia to provide first-hand, timely reports on observance or violations of human rights in their area of assignment;

35. Decides to remain seized of this matter.

34th meeting
23 February 1993
[Adopted without a vote. See chap. XXVII.]

1993/8. Rape and abuse of women in the territory of the former Yugoslavia

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other instruments of international humanitarian law, including the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Recalling General Assembly resolution 3074 (XXVIII) of 3 December 1973, entitled "Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity",

Appalled at the recurring and substantiated reports of widespread rape and abuse of women and children in the former Yugoslavia, in particular its systematic use against the Muslim women and children in the Republic of Bosnia and Herzegovina by Serbian forces,

Reaffirming the relevant Security Council resolutions, in particular resolution 798 (1992) of 18 December 1992 in which, inter alia, the Council strongly condemned these acts of unspeakable brutality,

Convinced that this heinous practice constitutes a deliberate weapon of war in fulfilling the policy of ethnic cleansing carried out by Serbian forces in the Republic of Bosnia and Herzegovina, and noting General Assembly resolution 47/121 of 18 December 1992 in which the Assembly stated, inter alia, that the abhorrent policy of ethnic cleansing is a form of genocide,

Welcoming the initiatives taken by the Special Rapporteur on the situation of human rights in the former Yugoslavia, Mr. Tadeusz Mazowiecki, particularly his prompt dispatch of a team of experts to the former Yugoslavia to investigate the allegations of rape and abuse of women,

Welcoming also the initiative of the European Council on the rapid dispatch of a mission, led by Dame Anne Warburton, to investigate the treatment of Muslim women in the former Yugoslavia, and the delegation's report (E/CN.4/1993/92),

Noting with deep concern the findings of the team of experts dispatched by the Special Rapporteur (E/CN.4/1993/50, annex II) and those of the mission dispatched by the European Council,

Noting with appreciation the work of humanitarian organizations aimed at supporting the victims of rape and abuse and alleviating their suffering,

1. Strongly condemns the abhorrent practice of rape and abuse of women and children in the former Yugoslavia which, in the circumstances, constitutes a war crime;

2. Expresses its outrage that the systematic practice of rape is being used as a weapon of war against Muslim women and children and as an instrument of the policy of ethnic cleansing carried out in the Republic of Bosnia and Herzegovina by the Serbian forces, and that rape has also been used as an instrument of ethnic cleansing in Croatia;

3. Demands that those involved immediately cease these outrageous acts, which are in gross violation of international humanitarian law, including the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, and take immediate action to ensure the enjoyment of human rights and fundamental freedoms in accordance with their obligations under these instruments and other applicable international human rights instruments;

4. Urges all States Members of the United Nations to take joint and separate action, in cooperation with the United Nations, to bring about an end to this despicable practice;

5. Reaffirms that all persons who perpetrate or authorize crimes against humanity and other violations of international humanitarian law are individually responsible for those violations, and that those in positions of

authority who have failed adequately to ensure that persons under their control comply with the relevant international instruments are accountable along with the perpetrators;

6. Urges States Members of the United Nations to exert every effort to bring to justice, in accordance with internationally recognized principles of due process, all those individuals directly or indirectly involved in these outrageous international crimes;

7. Welcomes in this context Security Council resolution 808 (1993) of 22 February 1993, by which the Council decided that an international tribunal should be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia;

8. Commends the Special Rapporteur for his latest report on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1993/50) containing the report of the team of experts on the rape and abuse of women in that territory;

9. Urges all States and all relevant intergovernmental and non-governmental organizations, including the United Nations Children's Fund, the United Nations High Commissioner for Refugees and the World Health Organization, to provide to the victims of such rape and abuse appropriate assistance for their physical and mental rehabilitation;

10. Requests the Special Rapporteur to pursue a specific investigation into the rape and abuse of women and children in the former Yugoslavia, including the dispatch of a qualified team of experts, to coordinate with the relevant thematic special rapporteurs of the Commission, with the mission dispatched by the European Council and with any other missions and to present a further report to the Commission;

11. Requests the Secretary-General to provide such necessary means as are available to him in the area to enable any future missions to have free and secure access to places of detention;

12. Also requests the Secretary-General to submit a report on the implementation of the present resolution to the members of the Commission not later than 30 June 1993;

13. Decides to remain seized of this matter.

34th meeting
23 February 1993
[Adopted without a vote. See chap. XXVII.]

1993/9. Situation of human rights in South Africa

The Commission on Human Rights,

Recalling its resolutions 1989/5 of 23 February 1989, 1990/26 of 27 February 1990, 1991/21 of 1 March 1991 and 1992/19 of 28 February 1992,

Reaffirming the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted by the General Assembly in its resolution S-16/1 of 14 December 1989, and the need for the full implementation of its provisions,

Recalling the report of the Special Committee against Apartheid (A/46/22), the second report of the Secretary-General on progress made in the implementation of the Declaration (A/45/1052), as well as the reports of the Secretary-General on the coordinated approach by the United Nations system on the questions relating to South Africa (A/46/648) and on the concerted and effective measures aimed at eradicating apartheid (A/46/499),

Having examined the final report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/14/1993/14),

Recognizing the responsibility of the United Nations and the international community to help the people of South Africa in their legitimate struggle for the total elimination of apartheid through peaceful means,

Noting that while positive measures have been taken by the Government of South Africa, including the repeal of some major apartheid laws and the revision of the security legislation, important obstacles to the achievement of a climate conducive to the exercise of free political activity still remain,

Noting also that, while positive steps have been taken by the Government of South Africa towards changing the racial education system, many obstacles still persist,

Gravely concerned that persistent violence threatens to undermine the process of peaceful change through negotiations to a united, non-racial and democratic South Africa,

Stressing the need to strengthen and reinforce the mechanisms set up in South Africa under the National Peace Accord, and emphasizing the need for all parties to cooperate in combating violence and to exercise restraint,

Welcoming the enhanced attention given by the international community to the question of violence in South Africa and especially the deployment of observers from the United Nations, the Organization of African Unity, the Commonwealth and the European Community in South Africa to further the purposes of the National Peace Accord,

Deeply concerned at the revelations of illegal covert activities carried out by military intelligence with a view to undermining a major party to the political process of peaceful change in South Africa,

Noting with satisfaction the progress made in the implementation of the agreement concluded between the Office of the United Nations High Commissioner for Refugees and the South African authorities to enable the voluntary repatriation of refugees and exiles,

Noting with concern that the so-called "homelands" still remain outside the legal, political and administrative framework of South Africa,

Concerned that, notwithstanding the amendment of the Internal Security Act, detention without charge remains possible in law,

Concerned also at reports containing evidence that children are still subjected to arbitrary detention and inhuman treatment in South Africa,

Gravely disturbed at the socio-economic inequalities in South Africa and at the accumulated negative impact of apartheid on the social, economic and cultural rights of the majority of the people of South Africa,

Welcoming the negotiations between the Government of South Africa and all parties concerned aimed at working out modalities for a non-racial, democratic constitution,

1. Takes note of the report of the Ad Hoc Working Group of Experts on southern Africa, and commends the Working Group for the excellent manner in which it has prepared its report;

2. Reaffirms its support for the legitimate struggle of the South African people for the total eradication of apartheid through peaceful means and their right to establish a non-racial, democratic system which is consistent with the International Bill of Human Rights;

3. Also reaffirms the international consensus to oppose apartheid, support the peaceful struggle to eradicate apartheid and facilitate the creation of a non-racial, democratic South Africa;

4. Calls upon the South African authorities to exercise effectively their responsibility to maintain law and order, to stop the violence, to prosecute its perpetrators and to protect all citizens, irrespective of their political affiliation;

5. Also calls upon all parties to refrain from further acts of violence;

6. Strongly urges the Government of South Africa to implement fully the recommendations of the Commission of Enquiry into Public Violence and Intimidation (the Goldstone Commission) and to cooperate with that Commission with a view to carrying out further investigations into the functioning and operation of the security forces and other existing armed units;

7. Commends the Secretary-General for the measures taken to address areas of concern noted in his report (S/24389) and particularly to assist in strengthening the structure set up under the National Peace Accord, including the deployment of United Nations observers in South Africa, and urges him to continue to address all the areas of concern noted in his report which fall within the purview of the United Nations;

8. Welcomes the deployment in South Africa of observers of the Organization of African Unity, the Commonwealth and the European Community;

9. Calls upon the Government of South Africa to release all remaining political prisoners, including those on death row, in accordance with the terms of the Declaration on Apartheid and its Destructive Consequences in Southern Africa and other relevant agreements for its implementation;

10. Urges the Government of South Africa to allow the safe return of all political exiles and refugees without restriction;

11. Appeals to the international community to assist the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations in the repatriation and reintegration of South African refugees and exiles in safety and with dignity;

12. Also appeals to the international community to assist and enhance the role of humanitarian and human rights groups in extending assistance to victims of apartheid and in monitoring the situation of human rights in South Africa;

13. Congratulates all anti-apartheid groups and individuals inside and outside South Africa for their commitment and positive contributions to the efforts to dismantle apartheid;

14. Reiterates the call to the Government of South Africa to expedite legal and administrative measures to abolish the system of "homelands" and reincorporate them into South Africa;

15. Urges the Government of South Africa, in consultation with all parties to the negotiations, to address seriously and urgently the problem of landlessness and the gross inequalities in land ownership in order to create an atmosphere of lasting stability in South Africa;

16. Urges once again the South African authorities to repeal the remaining discriminatory apartheid laws, introduce the necessary legal and administrative measures to correct entrenched socio-economic inequalities and implement and enforce without delay that legislation in the areas of education, health, housing and social welfare;

17. Further urges the South African authorities to advance the dismantling of apartheid by considering accession to the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination;

18. Reiterates its deep concern at reported cases of arbitrary detention and inhuman treatment of detained children in South Africa;

19. Demands that the South African authorities fully respect section 29 of the Prisons Act, prevent the inhuman treatment of children in South Africa and ensure their basic and legitimate freedoms of movement, association and education;

20. Calls for the replacement of the present racial education system with a non-racial education system;

21. Calls upon the international community to assist the non-racial sports bodies, which have been endorsed by representative anti-apartheid sports organizations in South Africa, in redressing the continuing structural inequalities in sports;

22. Urges all the parties to resume, without delay, broad-based negotiations on transitional arrangements and basic principles for a process of reaching agreement on a new democratic and non-racial constitution and for its speedy entry into force;

23. Calls upon the international community to support the fragile and critical process of transition under way in South Africa through the phased application of appropriate measures, to be applied as warranted in response to positive developments such as agreement by the parties on transitional arrangements and agreement on a new, non-racial and democratic constitution;

24. Reiterates the call to all Governments to observe fully the mandatory arms embargo and the request to the Security Council to continue to monitor effectively the implementation of the embargo, as decided in Security Council resolutions 418 (1977) of 4 November 1977, 558 (1984) of 13 December 1984 and 591 (1986) of 28 November 1986;

25. Calls upon the international community to support the peace process in Mozambique and Angola, as well as to mobilize additional resources in order to assist the front-line States and other neighbouring States in the reconstruction of their socio-economic infrastructure and the rehabilitation of the victims of internal and external displacements after years of destabilization;

26. Calls upon the Centre for Human Rights to respond at the appropriate time, as guided by the Secretary-General, to the needs of the changing situation in South Africa during the period of transition, in accordance with General Assembly resolution 47/116 A of 18 December 1992;

27. Decides to renew for a further period of two years the mandate of the Ad Hoc Working Group of Experts on southern Africa, composed of the following experts acting in their personal capacity: Mr. Leliel Mikuin Balanda (Zaire), Mr. Armando Entralgo (Cuba), Mr. Felix Ermacora (Austria), Mr. Elly Elikunda E. Mtango (United Republic of Tanzania), Mr. Zoran Pajic (Bosnia and Herzegovina) and Mr. Mulka Govinda Reddy (India);

28. Requests the Ad Hoc Working Group of Experts to continue, in cooperation with the Special Committee against Apartheid and other investigatory and monitoring bodies, to examine the situation regarding the violations of human rights in South Africa including, in particular, reports of torture, ill-treatment and deaths of detainees, as well as infringements of trade-union rights;

29. Also requests the Ad Hoc Working Group of Experts to submit its interim report to the Commission at its fiftieth session and its final report at its fifty-first session;

30. Further requests the Ad Hoc Working Group of Experts to submit a brief preliminary report to the General Assembly at its forty-eighth and forty-ninth sessions;

31. Renews its request to the Government of South Africa to allow the Ad Hoc Working Group of Experts to visit South Africa to gather information from individuals and organizations in order to ascertain the situation of human rights in South Africa, in such a manner that:

(a) The Ad Hoc Working Group of Experts would be guaranteed free and confidential access to any individual, organization, prisoner or ex-prisoner, detainee or ex-detainee;

(b) The Government of South Africa would provide a firm undertaking that any person or organization providing evidence would be granted immunity from any State action as a result thereof.

42nd meeting
26 February 1993
[Adopted without a vote. See chap. V.]

1993/10. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

The Commission on Human Rights,

Recalling General Assembly resolutions 41/103 of 4 December 1986, 42/56 of 30 November 1987, 43/97 of 8 December 1988, 44/79 of 8 December 1989, 45/90 of 14 December 1990, 46/84 of 16 December 1991 and 47/81 of 16 December 1992,

Recalling its resolutions 10 (XXXV) of 5 March 1979, 13 (XXXVI) of 26 February 1980, 6 (XXXVII) of 23 February 1981, 1982/10 of 25 February 1982, 1983/12 of 18 February 1983, 1984/7 of 28 February 1984, 1985/10 of 26 February 1985, 1986/7 of 28 February 1986, 1987/11 of 26 February 1987, 1988/14 of 29 February 1988, 1989/8 of 23 February 1989, 1990/12 of 23 February 1990 and 1991/10 of 22 February 1991,

Recalling also its resolution 7 (XXXIV) of 22 February 1978, in which it called upon States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid to submit, in accordance with article VII of the Convention, their first report not later than two years after becoming parties to the Convention and their periodic reports at two-year intervals,

Convinced that apartheid constitutes a total negation of the purposes and principles of the Charter of the United Nations, a gross violation of human rights and a crime against humanity, seriously threatening regional peace and security,

Reiterating the view that the activities of transnational corporations operating in South Africa perpetuate the crime of apartheid,

Reaffirming its conviction that it is the responsibility of the United Nations and the international community as a whole to assist the people of South Africa to eliminate apartheid,

Taking note of Economic and Social Council resolution 1990/70 of 27 July 1990, by which the Council condemned those transnational corporations that continue to collaborate with the minority Government in South Africa in defiance of United Nations resolutions and international public opinion and, in many cases, in violation of measures adopted by their home countries,

Reaffirming also its conviction that ratification of, or accession to, the Convention on a universal basis and implementation of its provisions are necessary for its effectiveness and therefore will contribute to the eradication of the crime of apartheid,

Drawing attention to the need to strengthen the various mechanisms for combating apartheid, inter alia through the establishment of an international penal tribunal as provided for in article V of the Convention,

1. Takes note with appreciation of the report of the Group of Three established under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid (E/CN.4/1993/54), and in particular of the conclusions and recommendations contained in that report;

2. Welcomes the work done by the Group of Three in accordance with Commission resolution 1991/10;

3. Commends those States parties to the Convention that have submitted periodic reports, and calls upon those States parties that have not yet done so to submit their reports as soon as possible, in accordance with article VII of the Convention;

4. Notes with appreciation the views and information submitted by some States parties, in response to Commission resolution 1991/10, concerning the forms of the crime of apartheid, as described in article II of the Convention;

5. Urges those States that have not yet done so to accede to the Convention without delay, especially those States which have jurisdiction over transnational corporations operating in South Africa;

6. Recommends once again that all States parties to the Convention take full account of the general guidelines laid down by the Group of Three in 1978 for the submission of reports (E/CN.4/1286, annex);

7. Reiterates its recommendation to States parties to be represented when the report of their country is to be considered by the Group of Three;

8. Calls upon all States whose transnational corporations continue to do business with South Africa to take all appropriate steps to terminate their dealings with South Africa;

9. Appeals to States parties to strengthen their cooperation at the national and international levels in order to implement fully the decisions taken by the Security Council and other competent United Nations bodies with a view to the prevention, suppression and punishment of the crime of apartheid in accordance with article VI of the Convention and with the Charter of the United Nations;

10. Appeals to all States parties to the Convention to incorporate in their legislation provisions relating to "the crime of apartheid" in accordance with article II of the Convention;

11. Urges the resumption of genuine and broad-based negotiations for a democratic and non-racial South Africa;

12. Appeals to all States, United Nations organs, the specialized agencies and international and national non-governmental organizations to step up their activities to enhance public awareness by denouncing the crimes committed by the Government of South Africa with a view to promoting further accession to the Convention;

13. Requests the international community to urge the Government of South Africa to repeal the remaining apartheid laws and introduce the necessary legal and administrative measures to correct the entrenched socio-economic inequalities;

14. Requests the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further accessions to the Convention and to give consideration to drawing up model legislation which would serve the States parties as a guide for the implementation of the provisions of the Convention;

15. Requests the Group of Three to continue to meet every two years to consider the reports submitted by States parties in accordance with article VII of the Convention;

16. Requests the Secretary-General to continue to provide all necessary assistance to the Group of Three.

42nd meeting
26 February 1993
[Adopted by 30 votes to none, with 21 abstentions, See chap. XV.]

1993/11. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and launching of a third decade to combat racism and racial discrimination

The Commission on Human Rights,

Reaffirming the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming its conviction that racism, racial discrimination and apartheid constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms, racial discrimination and apartheid,

Recalling its resolution 1992/8 of 21 February 1992,

Recalling the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960,

Bearing in mind General Assembly resolutions 3057 (XXVIII) of 2 November 1973, on the First Decade for Action to Combat Racism and Racial Discrimination, and 38/14 of 22 November 1983, on the Second Decade to Combat Racism and Racial Discrimination,

Recalling the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and 1983,

Bearing in mind the Report of the Second World Conference to Combat Racism and Racial Discrimination (United Nations publication, Sales No. E.83.XIV.4 and corrigendum),

Convinced that the Second World Conference represented a positive contribution by the international community towards attaining the objectives

of the Decade, through its adoption of a Declaration and an operational Programme of Action for the Second Decade to Combat Racism and Racial Discrimination,

Bearing in mind General Assembly resolution 39/16 of 23 November 1984 on the Second Decade to Combat Racism and Racial Discrimination, in which the Assembly invited the Commission on Human Rights to continue exercising vigilance in identifying actual or emergent situations of racism and racial discrimination, to draw attention to them where discovered and to suggest remedial measures,

Bearing in mind also the measures taken by the South African authorities to repeal or amend the major laws which had constituted the pillars of apartheid, as well as the progress made towards the establishment of a democratic, non-racial and united South Africa,

Convinced of the need to take sustained international measures for the elimination of all forms of racism and racial discrimination and the total eradication of apartheid in South Africa,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two Decades to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be the victims of varied forms of racism, racial discrimination and apartheid,

Recognizing the importance of strengthening, where necessary, national legislation and institutions for the promotion of racial harmony,

Aware of the importance and the magnitude of the phenomenon of migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

Recalling the adoption by the General Assembly at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Reaffirming the Declaration on Apartheid and its Destructive Consequences in Southern Africa, unanimously adopted by the General Assembly at its sixteenth special session, on 14 December 1989, which offers guidelines on how to end apartheid,

Recalling that in its resolution 1992/8 of 21 February 1992, it recommended that the General Assembly take appropriate steps, in due course, to launch a third decade to combat racism and racial discrimination, to begin in 1993,

Taking note of General Assembly resolution 47/77 of 16 December 1992, in which the Assembly requested the Secretary-General to accord the highest priority to activities of the programme of action for the third decade to combat racism and racial discrimination aimed at monitoring the transition

from apartheid to a non-racist society in South Africa and invited the Commission on Human Rights at its forty-ninth session to recommend activities to be undertaken during the third decade,

Taking note of the report of the Secretary-General (E/CN.4/1993/55),

1. Declares that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

2. Commends all States that have ratified or acceded to the relevant international instruments to combat racism and racial discrimination;

3. Appeals to those States that have not yet done so to consider ratifying, acceding to and implementing the relevant international instruments, particularly the International Convention on the Elimination of All forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention against Discrimination in Education adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 December 1960;

4. Urges all Governments to take all necessary measures to combat new forms of racism, in particular by ongoing adjustment of the methods used to combat them;

5. Invites all Governments and international and non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and apartheid and to provide relief and assistance to the victims of these evils;

6. Notes and commends the efforts made to coordinate all the programmes currently under implementation by the United Nations system that relate to the objectives of the Second Decade, and encourages the Coordinator for the Second Decade to Combat Racism and Racial Discrimination to continue his efforts;

7. Requests the Secretary-General to continue to accord special attention to the situation of migrant workers and members of their families and to include regularly in his reports all information on such workers;

8. Also requests the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities and those of migrant workers in the field of education, training and employment, and to submit, inter alia, specific recommendations for the implementation of measures to combat the effects of that discrimination;

9. Calls upon all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, in view of its possible early entry into force;

10. Requests the Secretary-General to revise and finalize the draft model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination in the light of comments made by members of the Committee on the Elimination of Racial Discrimination at its fortieth and forty-first sessions and to publish and distribute the text as soon as possible;

11. Invites the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and education activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education;

12. Regrets that most of the activities scheduled for the period 1992-1993 have not been implemented because of lack of adequate resources;

13. Calls upon the international community to provide the Secretary-General with appropriate financial resources for efficient action against racism and racial discrimination;

14. Invites all Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, as well as interested non-governmental organizations in consultative status with the Economic and Social Council, to participate fully in the activities scheduled for the period 1990-1993 which have not yet been carried out;

15. Considers that voluntary contributions to the Trust Fund for the Programme for the Decade to Combat Racism and Racial Discrimination are indispensable for the implementation of the above-mentioned programmes;

16. Strongly appeals, therefore, to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund, and to this end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

17. Takes note of the report of the Secretary-General (A/47/432) on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and the launching of a third decade to combat racism and racial discrimination;

18. Recommends that activities such as those contained in the report of the Secretary-General be undertaken during the third decade to combat racism and racial discrimination and reviewed at mid-term;

19. Requests the Secretary-General, in preparing the draft programme of action for the third decade, to accord the highest priority to activities aimed at monitoring the transition from apartheid to a non-racist society in South Africa;

20. Calls upon Governments to encourage further positive change in South Africa based on the guidelines set out in the Declaration on Apartheid and its Destructive Consequences in Southern Africa, in particular by maintaining effective and sustained international pressure against South Africa;

21. Recommends that the activities scheduled for the period 1992-1993 that have not been implemented because of lack of adequate resources be included in the draft programme of action for the third decade, along with the other proposed activities contained in the annex to the present resolution, and given the highest priority;

22. Decides to consider at its fiftieth session, as a matter of high priority, the draft programme of action for the third decade to combat racism and racial discrimination.

42nd meeting
26 February 1993
[Adopted without a vote. See chap XVI.]

ANNEX

Activities recommended for inclusion in the draft programme of action for the third decade to combat racism and racial discrimination

I

1. The Commission recommends the following programme elements proposed by the Secretary-General for the draft programme of action for the third decade to combat racism and racial discrimination (1993-2003), as contained in paragraphs 19-46 of the report of the Secretary-General (A/47/432):

"19. It is suggested that the goals and objectives of the third decade be those adopted by the Assembly for the first Decade and contained in the annex to General Assembly resolution 3057 (XVIII):

'The ultimate goals of the Decade are to promote human rights and fundamental freedoms for all, without distinction of any kind on grounds of race, colour, descent or national or ethnic origin, especially by eradicating racial prejudice, racism and racial discrimination; to arrest any expansion of racist policies, to eliminate the persistence of racist policies and to counteract the emergence of alliances based on mutual espousal of racism and racial discrimination; to resist any policy and practices which lead to the strengthening of the racist regimes and contribute to

the sustainment of racism and racial discrimination; to identify, isolate and dispel the fallacious and mythical beliefs, policies and practices that contribute to racism and racial discrimination, and to put an end to racist regimes.'

"20. In drawing up suggested elements for the programme of action for the third decade, account has been taken of the fact that current global economic conditions have caused many Member States to call for budgetary restraint, which in turn requires a conservative approach to the number and type of programme for action which may be considered at this time. The Secretary-General also took into account the relevant suggestions made by the Committee on the elimination of Racial Discrimination at its forty-first session. The elements presented below are suggested as those which are essential, should resources be made available to implement them.

"A. Action to combat apartheid

"21. Recently, there have been signs of change in South Africa, notably the abolition of such legal pillars of apartheid as the Group Areas Act, the Land Areas Act and the Population Registration Act. Although there is reason to be hopeful that South Africa is moving into the mainstream of the international community, the transition period may prove to be difficult and dangerous. Fierce political competition between political parties and ethnic groups has already led to bloodshed.

"22. Action will be needed to rectify the consequences of apartheid in South Africa. The policy of apartheid has entailed the use of State power to increase inequalities between racial groups. The knowledge and experience of human rights bodies dealing with racial discrimination could play a significant role in promoting equality.

"23. The General Assembly may wish to examine the best way to monitor apartheid in transition and initiate a mechanism to advise and assist the parties concerned to bring an end to this abhorrent regime not only in law but also in fact. Reference should be made to Security Council resolution 765 (1992) urging the South African authorities to bring an effective end to the violence and bring those responsible to justice.

"24. The Assembly may also wish to continue to examine the relevant work undertaken by the established United Nations bodies in the fight against apartheid, i.e. the Special Committee against Apartheid, the Group of Three and the Ad Hoc Working Group of Experts on southern Africa.

"25. The Centre for Human Rights could offer technical assistance in the field of human rights to South Africa during and after the transition period. A cycle of seminars on apartheid could be envisaged, in cooperation with the specialized agencies and United Nations secretariat units concerned, which could include the following:

"(a) Seminar on apartheid and children, in cooperation with the United Nations Children's Fund;

"(b) Seminar on apartheid and the rights of workers, in cooperation with the International Labour Organisation;

"(c) Seminar on apartheid and public health, in cooperation with the World Health Organization;

"(d) Seminar on apartheid, education and culture, in cooperation with the United Nations Educational, Scientific and Cultural Organization;

"(e) Seminar on affirmative action for a non-racial society in South Africa.

"26. An inter-agency meeting could be convened immediately after the proclamation of the third decade, in 1994, to plan for the workshops and other activities.

"B. Action at the international level

"27. During the discussion in the Economic and Social Council at its substantive session of 1992 on the Second Decade, many delegations expressed their concern with regard to new expressions of racism, racial discrimination, intolerance and xenophobia in various parts of the world.

"28. The manifestation of racist myths may be overt, as with the obvious example of apartheid, or they may be less evident as is the case with some employment, housing, immigration and asylum policies which tend to impact most negatively on people who are distinguishable ethnically or by nationality. There is a general awareness of the new expressions of racism and racial discrimination affecting minorities, ethnic groups, migrant workers, indigenous populations, gypsies, immigrants and refugees.

"29. The biggest contribution to the elimination of racial discrimination will be that which results from the actions of States within their own territories. International action undertaken as part of any programme for the third decade should therefore be directed so as to assist States to act effectively. The International Convention on the Elimination of All Forms of Racial Discrimination has established standards for States, and every opportunity should be seized to ensure that these are universally accepted and applied.

"30. The Assembly could consider more effective action to ensure that all States parties to the International Convention on the Elimination of All Forms of Racial Discrimination fulfil their reporting and financial obligations. National action against racism and racial discrimination could be monitored and improved by requesting an expert member of the Committee to prepare a report on obstacles encountered with respect to the effective implementation of the Convention by States parties and suggestions for remedial measures.

"31. The Assembly may wish to propose the holding of regional workshops and seminars. A team from the Committee should be invited to monitor these meetings. The following themes are suggested for the seminars:

"(a) Seminar to assess the experience gained in the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. The seminar would also assess the efficiency of national legislation and recourse procedures available to victims of racism;

"(b) Seminar on the eradication of incitement to racial hatred and discrimination, including the prohibition of propaganda activities and of organizations involved in them;

"(c) Seminar on the right to equal treatment before tribunals and by institutions, including the provision of reparation for damages suffered as a result of discrimination;

"(d) Seminar on the transmission of racial inequality from one generation to another, with special reference to the children of migrant workers and the appearance of new forms of segregation;

"(e) Seminar on international cooperation in the elimination of racial discrimination, including cooperation between States, the contribution of non-governmental organizations, national and regional institutions, United Nations bodies and petitions to treaty-monitoring bodies;

"(f) Seminar on the enactment of national legislation to combat racism and racial discrimination affecting ethnic groups, migrant workers and refugees (in Europe and North America);

"(g) Workshop on flows of refugees due to ethnic conflicts or political restructuring of multi-ethnic societies in socio-economic transition (Eastern Europe, Africa and Asia);

"(h) Training course on national legislation prohibiting racial discrimination for nationals from countries with and without such legislation;

"(i) Regional seminars on ethnicity, nation-building and human rights could also provide an opportunity for broadening knowledge of the causes of today's ethnic conflicts, and the participants could look for ways and means of solving them.

"32. The Assembly may wish to propose to the Department of Public Information of the United Nations Secretariat to undertake specific activities that could be carried out by Governments and relevant national non-governmental organizations to commemorate the International Day for the Elimination of Racial Discrimination on 21 March each year. Support should be sought from artists as well as religious leaders, trade unions, enterprises and political parties to sensitize the population on the evils of racism and racial discrimination.

"33. In cooperation with UNESCO and the Department of Public Information, the Assembly could support the organization of a seminar on the role of mass media in combating or disseminating racist ideas.

"34. In cooperation with the International Labour Organisation, the possibility of organizing a seminar on the role of trade unions in combating racism and racial discrimination in employment could be explored.

"35. The General Assembly could consider requesting the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and educational activities against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education.

"36. The Assembly may also wish to call upon Member States to make special efforts to:

"(a) Promote the aim of non-discrimination in all educational programmes and policies;

"(b) Give special attention to the civic education of teachers. It is essential that teachers be aware of the principles and essential content of the legal texts relevant to racism and racial discrimination and of how to deal with the problem of relations between children belonging to different communities;

"(c) Teach contemporary history at an early age, presenting children with an accurate picture of the crimes committed by fascist and other totalitarian regimes, and more particularly of the crimes of apartheid and genocide;

"(d) Ensure that curricula and textbooks reflect anti-racist principles and promote intercultural education.

"C. Action at the national and regional levels

"37. The following questions may be addressed in the context of action to be undertaken at the national and regional levels: Have there been any successful national models to eliminate racism and racial prejudices that could be recommended to States, e.g. for educating children, or principles of equality to tackle racism against migrant workers, ethnic minorities, indigenous peoples, etc.? What kind of affirmative action programmes are there at the national or regional level to redress discrimination against specific groups?

"38. The General Assembly may wish to call upon States that have not yet done so to adopt, ratify and implement legislation prohibiting racism and racial discrimination, such as the International Convention on the Elimination of All Forms of Racial Discrimination, the International

Convention on the Suppression and Punishment of the Crime of Apartheid and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

"39. The Assembly could call upon Member States to review their national programmes to combat racial discrimination and its effects in order to identify and to seize opportunities to close gaps between different groups and especially to undertake housing, educational and employment programmes that have proved to be successful in combating racial discrimination and xenophobia.

"40. The Assembly could recommend that Member States encourage the participation of journalists and human rights advocates from minority groups and communities in the mass media. Radio and television programmes should increase the number of broadcasts produced by and in cooperation with racial and cultural minority groups. Multicultural activities of the media should also be encouraged where they can contribute to the suppression of racism and xenophobia.

"41. The Assembly may wish to call upon regional organizations to cooperate closely with United Nations efforts in combating racism and racial discrimination. Intergovernmental organizations dealing with human rights issues could mobilize public opinion in their regions against the evils of racism and racial prejudices directed towards disadvantaged racial and ethnic groups. These institutions could serve an important function in assisting Governments to enact national legislation against racial discrimination and promote adoption and application of international conventions. Regional human rights commissions should be called upon to publicize widely basic texts on existing human rights instruments.

"D. Basic research and studies

"42. The long-term viability of the United Nations programme against racism and racial discrimination will depend in part on continuing research into the causes of racism and into the new manifestations of racism and racial discrimination. The Assembly may wish to examine the importance of preparing studies on racism. Following are some aspects to be studied:

"(a) Study of the application of article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination. Such a study might assist States to learn from one another the national measures undertaken to implement the Convention;

"(b) Integration or preservation of cultural identity in a multiracial society;

"(c) Study of political rights, including the participation of various racial groups in political processes and their representation in government service;

"(d) Study of civil rights, including migration, nationality, freedom of opinion and association;

"(e) Study of educational measures to combat racial prejudice and discrimination and to propagate the principles of the United Nations;

"(f) Global integration and the question of racism and the nation State;

"(g) National mechanisms against racism and racial discrimination in the fields of immigration, employment, salary, housing, education and ownership of property.

"E. Coordination and reporting

"43. It may be relevant to recall that in its resolution proclaiming the Second Decade the Assembly charged the Economic and Social Council with coordinating the implementation of the programme and evaluating the activities. The Assembly may wish to consider the following steps to strengthen the United Nations input into the third decade to combat racism and racial discrimination:

"(a) The General Assembly may wish to entrust the Economic and Social Council or the Commission on Human Rights, in cooperation with the Secretary-General, with the responsibility for coordinating the programmes and evaluating the activities undertaken in connection with the third decade;

"(b) The Secretary-General could be invited to provide specific information on activities against racism, to be contained in one annual report which would be comprehensive in nature and allow a general overview of all mandated activities. This would facilitate coordination and evaluation;

"(c) An open-ended working group of the Commission on Human Rights, or other appropriate arrangements under the Commission, may be established to review decade-related information, on the basis of annual reports referred to above, as well as relevant studies and reports of seminars, so as to assist the Commission in formulating appropriate recommendations to the Economic and Social Council on particular activities, allocation of priorities, etc.

"F. Regular system-wide consultations

"44. On an annual basis, consultations between the United Nations, specialized agencies and non-governmental organizations would take place to review and plan decade-related activities. In this framework, the Centre for Human Rights would organize inter-agency meetings to consider and discuss further measures to strengthen the coordination and cooperation of programmes related to the issues of combating racism and racial discrimination.

"45. The Centre for Human Rights would also strengthen the relationship with non-governmental organizations fighting against racism and racial discrimination by holding consultations and briefings with the non-governmental organizations. Such meetings could help them to initiate, develop and present proposals regarding the struggle against racism and racial discrimination.

"46. Should the Assembly approve the suggested elements of the programme for action for the third decade to combat racism and racial discrimination, the Secretary-General would include the activities to be carried out during the decade, as well as the related resource requirements in the proposed programme budgets, which will be submitted biennially, during the decade, starting with the proposed programme budget for the biennium 1994-1995."

II

2. The Commission recommends also that the themes proposed by the Committee on the Elimination of Racial Discrimination, as contained in paragraph 15 of the report of the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/CN.4/1993/55), should be programmed:

"15. The Committee also considered the question of the launching of a third decade to combat racism and racial discrimination and, in that connection, examined an informal document containing a list of ten topics relating to action to combat racism and racial discrimination prepared by one of its members. The Committee requested that the document should be transmitted to the Commission to serve as a basis for considering the programming of activities in a possible third decade. The following themes have been proposed:

"1. The eradication of incitement to racial hatred and discrimination, including the prohibition of propaganda activities and of organizations involved in it;

"2. The right to equal treatment before tribunals and by institutions, including the provision of reparation for damages suffered as a result of discrimination;

"3. Political rights, including the participation of various racial groups in political processes and their representation in government service;

"4. Civil rights, including migration, nationality, freedom of opinion and association;

"5. Economic rights, including work, trade union membership and housing;

"6. Social and cultural rights, including health and education;

"7. Educational measures to combat racial prejudice and discrimination and to propagate the principles of the United Nations;

"8. The protection of disadvantaged groups; this may include consideration of the position of indigenous peoples;

"9. The transmission of racial inequality from one generation to another, with special reference to the children of migrant workers and the appearance of new forms of segregation;

"10. International cooperation in the elimination of racial discrimination, including cooperation between States, the contribution of non-governmental organizations, national and regional institutions, United Nations bodies and petitions to treaty-monitoring bodies."

III

3. The Commission recommends further that the following themes might also be included:

Religious intolerance;

Xenophobia;

The role of national institutions in the promotion and protection of human rights.

1993/12. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms, namely, civil, political, economic, social and cultural rights,

Recalling also that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling further General Assembly resolution 32/130 of 16 December 1977,

Reaffirming the Declaration on Social Progress and Development proclaimed by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969 and the Declaration on the Right to Development adopted by the Assembly in its resolution 41/128 of 4 December 1986,

Welcoming the final report on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1992/16), submitted by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Danilo Türk,

Bearing in mind Sub-Commission resolutions 1989/20 and 1989/21 of 31 August 1989, 1990/16 of 30 August 1990, 1991/27 of 29 August 1991 and 1992/29 of 27 August 1992,

Recognizing that the activities of the various organizations in the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to man in order to promote all his rights effectively,

Having in mind the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children on 30 September 1990 (E/CN.4/1991/59, annex),

Having in mind also the considerations of the World Bank contained in the publication World Debt Tables 1991-92 (volume 1) of December 1991, relating to the external debt of developing countries,

Aware that the serious problem of foreign debt remains one of the most acute factors adversely affecting economic and social development and the living standards of the inhabitants in many developing countries, with serious effects of a social nature,

Concerned about the repercussions of structural adjustment programmes in the realization of economic, social and cultural rights,

Deeply concerned that the debt-service obligations remain high, that the factors determining the capacity to pay have not moved in consonance with the debt-service obligations of the majority of developing countries, and that the prospects for reducing the adverse effects of the debt burden on the development process in developing countries continue to be uncertain,

Stressing that measures for debt reduction also need to be accompanied by vigorous efforts to improve the international economic environment in order to facilitate the growth and development of developing countries,

Considering that the new strategies for solving the debt problem, of both official and private origin, require policies of economic adjustment accompanied by growth and development and that it is essential, within those policies, to give priority consideration in their implementation to human conditions, including standards of living, health, food, education and employment of the population, especially among the most vulnerable and low-income groups,

Taking into account the particular concern expressed by the General Assembly at the growing deterioration of living conditions in the

developing world, at its negative effects on the full enjoyment of human rights, and especially at the very serious economic situation of the African continent and at the terrible effects of the heavy burden of external debt on the developing countries,

Recalling its resolutions 1989/15 of 2 March 1989, 1990/17 and 1990/18 of 23 February 1990, 1990/24 of 27 February 1990, 1991/13 of 22 February 1991 and 1992/9 of 21 February 1992,

1. Expresses its appreciation for the preliminary report (E/CN.4/Sub.2/1989/19), first (E/CN.4/Sub.2/1990/19) and second progress (E/CN.4/Sub.2/1991/17) and final (E/CN.4/Sub.2/1992/16) reports on the realization of economic, social and cultural rights prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Danilo Türk;

2. Stresses the importance of alleviating the debt and debt-service burdens of developing countries with debt problems in the framework of the realization of economic, social and cultural rights;

3. Reaffirms that a major objective of any debt strategy should be that debtor developing countries achieve a level of growth sufficient to enable them to satisfy their social, economic and development needs;

4. Affirms that debt payments should not take precedence over the basic rights of the people of debtor countries to food, shelter, clothing, employment, health services and a healthy environment;

5. Requests the Secretary-General to submit, in consultation with Governments, specialized agencies and intergovernmental and non-governmental organizations concerned, a report to the Commission on Human Rights at its fiftieth session on the repercussions and prospects of the debt crisis and adjustment programmes on the effective enjoyment of economic, social and cultural rights of developing countries;

6. Decides to continue to consider, at its fiftieth session, the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development".

42nd meeting
26 February 1993
[Adopted by a roll-call vote of 36 to 2, with 12 abstentions. See chap. VII.]

1993/13. Human rights and extreme poverty

The Commission on Human Rights,

Recalling that the peoples of the United Nations have reaffirmed in the Charter of the United Nations their faith in fundamental human rights and in the dignity and worth of the human person,

Mindful that the Universal Declaration of Human Rights provides that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of other rights,

Recalling that the elimination of widespread poverty and the full enjoyment of economic, social and cultural rights and civil and political rights remain interrelated goals,

Deeply concerned by the fact that extreme poverty continues to spread throughout the countries of the world, regardless of their economic, social or cultural situation, and gravely affects the most vulnerable and disadvantaged individuals, families and groups, who are thus hindered in the exercise of their human rights and their fundamental freedoms,

Recognizing, moreover, that respect for and promotion of all human rights are essential if individuals are to participate freely and responsibly in the development of the society in which they live,

Aware of the need for improved knowledge of extreme poverty and its causes, including those connected with the problem of development, for the purpose of promoting the human rights of the poorest,

Recalling its resolutions 1990/15 of 23 February 1990, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to carry out a specific study of extreme poverty and social exclusion, 1991/14 of 22 February 1992, in which it recommended the Sub-Commission to give attention more particularly to the conditions in which the poorest themselves can convey their experience and their thinking and so contribute to a better understanding of the harsh reality of their lives and its causes, and of its meaning for the international community, and 1992/11 of 21 February 1992,

Recalling also its resolution 1991/12 of 22 February 1991, entitled "Popular participation in its various forms as an important factor in development and in the full realization of all human rights",

Recalling further General Assembly resolution 47/134 of 18 December 1992, entitled "Human rights and extreme poverty", which reaffirms that extreme poverty and social exclusion constitute a violation of human dignity and emphasizes the need for an in-depth and comprehensive study of extreme poverty focusing on the experience and thinking of the poorest,

Recalling decision 1991/6, entitled "Reaching the poorest", adopted by the Executive Board of the United Nations Children's Fund, in which it is emphasized, inter alia, that a more thorough knowledge of the situation of the poorest children and their families, of their living conditions and the pre-conditions necessary for their partnership would make it easier to reach the groups in question, in particular children, and in which the Executive Director is invited to mention, in his yearly reports, progress on this issue within the United Nations Children's Fund,

Noting the provisions of the Convention on the Rights of the Child, which acknowledges that there are in all parts of the world children living in especially difficult conditions and that special attention should be granted to those children,

Noting also General Assembly resolution 44/82 of 8 December 1989, in which the Assembly proclaimed 1994 as International Year of the Family,

Mindful of the Secretary-General's report on human rights and extreme poverty (E/CN.4/Sub.2/1991/38 and Add.1 and 2), prepared on the basis of information transmitted by Governments, specialized agencies, United Nations bodies, other intergovernmental organizations and non-governmental organizations,

Bearing in mind in this context the action already taken in the relevant forums to ensure the realization of economic, social and cultural rights,

1. Reaffirms that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. Draws the attention of the General Assembly, specialized agencies, United Nations bodies and intergovernmental organizations to the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

3. Encourages the Committee on Economic, Social and Cultural Rights to pay more attention in its work to the question of extreme poverty and exclusion from society;

4. Also encourages the Committee on the Rights of the Child to examine the situation of children living in extreme poverty with a view to promoting

the enjoyment of all rights recognized in the Convention on the Rights of the Child, in particular during its forthcoming discussions on the economic exploitation of children;

5. Recalls that, to ensure the protection of the rights of all individuals, non-discrimination as regards the poorest and the full exercise of all human rights and fundamental freedoms, a better understanding is needed of what peoples living in extreme poverty endure and thought must be given to the subject, drawing on the experiences and ideas of the poorest themselves and of those committed to working alongside them;

6. Endorses Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/27 of 27 August 1992 appointing Mr. Leandro Despouy as Special Rapporteur on the question of human rights and extreme poverty with responsibility for preparing a study on this issue, bearing particularly in mind the approach defined in Commission resolution 1992/11;

7. Invites the Special Rapporteur to give special attention to the following aspects:

(a) The effects of extreme poverty on the enjoyment and exercise of the human rights and fundamental freedoms of those affected by it;

(b) Efforts by the poorest themselves to exercise their rights and participate fully in the development of the society in which they live;

(c) Conditions in which the poorest can convey their experiences and ideas and become partners in the enjoyment of human rights;

(d) Means of promoting a better understanding of the experiences and ideas of the poorest and those committed to working alongside them;

8. Also invites the Special Rapporteur, in his report to the Sub-Commission at its forty-fifth session, to consider the possibility of organizing a seminar with a view to furthering reflection on the topic "Extreme poverty and denial of human rights" and to make suggestions in this regard;

9. Calls upon States, specialized agencies, United Nations bodies and other international organizations, including non-governmental organizations, to give due attention to this problem and to make known their views on human rights and extreme poverty to the Secretary-General;

10. Welcomes General Assembly resolution 47/196 of 22 December 1992 proclaiming 17 October each year as International Day for the Elimination of Poverty;

11. Calls upon States, United Nations bodies and other international organizations, including non-governmental organizations, to give due attention each International Day to the situation of the poorest, who must be the focus of events, taking into account events already organized worldwide since

17 October 1987 around the topic "Rejection of extreme poverty", and to inform the Secretary-General of the activities they are undertaking in this regard;

12. Invites the Secretary-General to take into account, in preparing the programme for the International Day, the relationship between extreme poverty and the full realization of human rights and, in this context, expresses the hope that the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Centre for Human Rights will be fully involved in the activities;

13. Also invites the Secretary-General to report to the Commission at its fiftieth session on all these matters;

14. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution I.]

42nd meeting
26 February 1992
[Adopted without a vote. See chap. VII.]

1993/14. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Commission on Human Rights,

Recalling that the peoples of the United Nations have reaffirmed in the Charter of the United Nations their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, and have determined to promote social progress and better standards of life in larger freedom,

Mindful that the Universal Declaration of Human Rights provides that all persons are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality,

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are indivisible and interdependent and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Convinced that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Aware that, despite progress achieved by the international community with respect to the setting of standards for the realization of the economic, social and cultural rights contained in the International Covenant on Economic, Social and Cultural Rights, the implementation and promotion of these rights and the problems of their realization have not received sufficient attention within the framework of the United Nations system,

Recognizing that, in accordance with the provisions of the International Covenant on Economic, Social and Cultural Rights, Member States, individually and through international cooperation, should intensify their efforts to secure an adequate standard of living for all people, giving priority to those living in extreme poverty,

Recalling the essential importance of national efforts and international cooperation based on free consent to the realization of the right of all persons to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to a continuous improvement in living conditions,

Conscious of the need to secure full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights, including the rights of the most vulnerable and disadvantaged,

Emphasizing the importance of the Limburg Principles on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/CN.4/1987/17),

Recognizing that popular participation in its various forms is an important factor in development and in the full realization of all human rights,

Reaffirming the importance of increasing public awareness of the Committee on Economic, Social and Cultural Rights and the role that non-governmental organizations can play in that regard,

Welcoming the efforts made with a view to an intensive study of the International Covenant on Economic, Social and Cultural Rights, and recognizing the urgent need for a more vigorous and effective multidisciplinary approach to the promotion and protection of the rights contained in the Covenant,

Recalling its resolution 1992/10 of 21 February 1992,

1. Welcomes the contribution of the Committee on Economic, Social and Cultural Rights, which continues to give impetus to the implementation of the economic, social and cultural rights contained in the Covenant;

2. Encourages States parties to the International Covenant on Economic, Social and Cultural Rights to give their full support and cooperation to the Committee on Economic, Social and Cultural Rights;

3. Also encourages States parties to use their reporting obligation as a process to assist the realization of economic, social and cultural rights, ensuring popular participation in the preparation of their periodic reports as well as the widest possible distribution of those reports at the national level;

4. Welcomes the decision of the Committee on Economic, Social and Cultural Rights to urge all States parties to submit reports on time and to take appropriate measures in relation to those States parties whose reports are long overdue;

5. Also welcomes the adoption by the Committee on Economic, Social and Cultural Rights of general comments and takes note with interest of General Comment No. 4 (1991) on the right to adequate housing (E/1992/23, annex III) and the reaffirmed importance attached in this framework to respect for human dignity and the principle of non-discrimination;

6. Recognizes the importance of ensuring the study of specific economic, social and cultural rights and in this framework takes note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/26 of 27 August 1992, and takes note with interest of the working paper prepared by the expert, Mr. Rajindar Sachar, on the right to adequate housing (E/CN.4/Sub.2/1992/15);

7. Invites States parties, in conformity with article 2, paragraph 1, of the International Covenant and Economic, Social and cultural Rights and in pursuance of General Comment No. 3 (1990) (E/1991/23, annex III), to consider identifying specific national benchmarks designed to give effect to the minimum core obligation to ensure the satisfaction of minimum essential levels of each of the rights;

8. Notes with interest the organization, under the United Nations programme for human rights activities, of the seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights, sponsored by the Centre for Human Rights and held at Geneva from 25 to 29 January 1993;

9. Recognizes the importance of using indicators as a means of measuring or assessing progress in the realization of human rights and in this framework stresses the need for ensuring the collection of appropriately disaggregated data;

10. Requests the Secretary-General to bring the conclusions and recommendations of the seminar to the attention of Member States, the Commission on Human Rights, other United Nations bodies, the specialized agencies, financial institutions and non-governmental organizations;

11. Affirms that the full respect of the rights contained in the International Covenant on Economic, Social and Cultural Rights is inextricably linked with the process of development, the central purpose of which is the realization of the potentialities of the human person in harmony with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as fair distribution of the benefits of development;

12. Invites Member States to include measures to ensure the promotion and protection of human rights in national legislation, policies and development programmes, using the Covenant as a framework for this purpose;

13. Welcomes the continuing efforts made by the Committee on Economic, Social and Cultural Rights to develop greater in-depth understanding of the relevant issues of the Covenant by holding a general discussion on one of its specific rights or articles, and takes note of the general discussion which took place during the seventh session of the Committee on the right to take part in cultural life (E/1993/22, chap. VII);

14. Takes note of the support expressed by the Committee on Economic, Social and Cultural Rights for the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights granting the right of individuals or groups to submit communications concerning non-compliance with the Covenant;

15. Takes note with deep appreciation of the final report on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1992/16) submitted by the Special Rapporteur of the Sub-Commission, Mr. Danilo Türk;

16. Requests the Secretary-General to ensure the wide distribution of the progress reports of the Special Rapporteur throughout the United Nations in particular by publishing them in a single document;

17. Welcomes the suggestion made by the Special Rapporteur that cooperation between the financial institutions and the human rights organs of the United Nations be strengthened, in particular by encouraging the participation of the representatives of those institutions in the meetings of human rights organs;

18. Requests the Secretary-General to invite the international financial institutions to consider the possibility of organizing an expert seminar on the role of the financial institutions in the realization of economic, social and cultural rights;

19. Also requests the Secretary-General to prepare basic policy guidelines on structural adjustment and economic, social and cultural rights, which could serve as a basis for a continued dialogue between human rights bodies and the international financial institutions, in the light of the conclusions of the Special Rapporteur in his final report and of the discussions held at the seminar on appropriate indicators;

20. Takes note of the decision of the Sub-Commission to consider the possibility of studying the subject of income distribution and the realization of economic, social and cultural rights;

21. Encourages the United Nations Centre for Human Rights to make available, through its programme of advisory services and technical assistance, expert assistance to States for the purpose of formulating policies on economic, social and cultural rights in the light of the International Covenant on Economic, Social and Cultural Rights;

22. Requests the Secretary-General to promote coordination of the human rights activities of the United Nations and those of development agencies with a view to drawing upon their relevant expertise and support;

23. Invites the Economic and Social Council, pursuant to article 22 of the Covenant and taking into account general comment No. 2 (1990) (E/1990/23, annex III), to identify ways in which international cooperation and technical assistance would contribute, particularly in developing countries, to the effective progressive implementation of the rights recognized in the Covenant;

24. Decides to consider issues raised by the present resolution at its fiftieth session under the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights".

42nd meeting
26 February 1993
[Adopted without a vote. See chap. VII.]

1993/15. Status of the International Covenants on Human Rights

The Commission on Human Rights,

Recalling its resolution 1992/14 of 21 February 1992 and General Assembly resolution 46/113 of 17 December 1991,

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the heart of the International Bill of Human Rights,

Having considered the report of the Secretary-General on the status of the International Covenants on Human Rights (E/CN.4/1993/69),

Recalling the entry into force on 11 July 1991 of the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty,

Welcoming the fact that recent ratifications of/or accessions to the Covenants have increased the total number of States parties to each of them quite significantly, while noting at the same time that many States Members of the United Nations have yet to become parties to the International Covenants on Human Rights,

Bearing in mind its responsibility for the coordination of activities concerning human rights in the United Nations system, in accordance with Economic and Social Council resolution 1979/36 of 10 May 1979,

Considering that the effective functioning of treaty bodies established in accordance with the relevant provisions of international instruments on human rights plays a fundamental role and hence represents an important continuing concern of the United Nations,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Appeals strongly to all States that have not yet become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights to do so, as well as to consider acceding to the Optional Protocols to the International Covenant on Civil and Political Rights;

3. Invites the Secretary-General to intensify systematic efforts to encourage States to become parties to the Covenants and, through the programme of advisory services in the field of human rights, to provide such services as may be sought by States that are not parties to the Covenants, with a view to assisting them to ratify them or accede thereto;

4. Again invites States parties to the International Covenant on Civil and Political Rights that have not yet done so to consider making the declaration provided for in article 41 of the Covenant;

5. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

6. Recommends to States parties that they periodically review any reservations made in respect of the provisions of the International Covenants on Human Rights to ascertain whether they should be maintained;

7. Stresses to States parties the importance of avoiding the erosion of human rights by derogation, and underlines the necessity for strict observance of the agreed condition and procedure for derogation under article 4 of the International Covenant on Civil and Political Rights and the need for States parties to provide full and timely information also during states of emergency, so that the justification and appropriateness of measures taken in these circumstances can be assessed;